



# THE PROMISES WE MUST MAKE TO OUR CHILDREN

Recommendations to the Biden-Harris Transition Team  
from First Focus Campaign for Children



**FIRST FOCUS**  
CAMPAIGN FOR CHILDREN

# THE PROMISES WE MUST MAKE TO OUR CHILDREN

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# INTRODUCTION



*I see a future in which every American family has health insurance, and every father and mother go to bed at night secure in the knowledge that a catastrophic illness or accident will not bankrupt them. I see a future in which every American child has access to preventive health care and to primary and secondary schools that prepare him or her for a successful life. I see a future in which cost can never be a barrier for any young person whose educational achievement has merited admittance to college.*

***These are the promises we must make to our children. These are not someone else's children—they are our children, America's children, blood of our blood, bone of our bone, the sinew that binds us. We have always counted on the next generation to carry forward the goals we fail to reach in our own time, and if we don't protect the health and the dreams of all of our children, we are betraying our own best intentions.***

— Joe Biden, *Promises to Keep: On Life and Politics*<sup>1</sup>

The kids are not alright.

Even before the COVID-19 pandemic and economic recession, we were failing our kids on a whole range of domestic and international indicators of child well-being. Some of this was due to children being treated as an afterthought in policy discussions, but even worse, negative outcomes were also the result of systemic disinvestment in children or policy choices where cruelty to children was even intentional.

The *Washington Post*'s Catherine Rampell referred to some of these policy choices as "Trump's War on Children."<sup>2</sup> The *Post*'s Petula Dvorak added that "America is failing its children" and said our treatment of children has been a "searing indictment of adult indifference."<sup>3</sup>

And the *Post*'s Colby Itkowitz outlined a litany of problems facing children and concluded:

*When issues from guns to immigration to health care to foreign affairs are viewed through the lens of how they affect children, it becomes clear the young are an afterthought when it comes to public policy.<sup>4</sup>*

Even worse, these were all commentaries before the pandemic and economic recession. Unfortunately, things are much worse, as COVID-19 and its economic fallout are negatively impacting every aspect of the lives of children. Their voices, concerns, anxiety, hopes and dreams should be listened to, fully considered, and most of all, addressed. And many of these outcomes are due to policy choices that are or are not made.

As the *New York Times*'s Jason DeParle writes, "The National Academies [of Sciences, Engineering, and Medicine] estimate that child poverty costs the country as a whole \$800 billion to \$1.1 trillion a year—4.0 to 5.4 percent of GDP—including lower adult earnings, worse health, and higher crime. The good news about a loss so immense is that it translates into a recommendation for investment: money spent on poor kids will likely be 'very cost-effective over time.'"<sup>5</sup>

We can and must do better by our children—both domestically and internationally.

1. Biden, Joe, *Promises to Keep: On Life and Politics*, Random House, 2007.
2. Rampell, Catherine, "We're in the Midst of Trump's War on Children," *Washington Post*, Sep. 5, 2019, [https://www.washingtonpost.com/opinions/were-in-the-midst-of-trumps-war-on-children/2019/09/05/03637e30-d016-11e9-b29b-a528dc82154a\\_story.html](https://www.washingtonpost.com/opinions/were-in-the-midst-of-trumps-war-on-children/2019/09/05/03637e30-d016-11e9-b29b-a528dc82154a_story.html).
3. Dvorak, Petula, "America Doesn't Care About Its Kids. The Evidence Is All Around Us," *Washington Post*, Aug. 8, 2019, [https://www.washingtonpost.com/local/america-doesnt-care-about-its-kids-the-evidence-is-all-around-us/2019/08/08/34d8505c-b9e7-11e9-b3b4-2bb69e8c4e39\\_story.html](https://www.washingtonpost.com/local/america-doesnt-care-about-its-kids-the-evidence-is-all-around-us/2019/08/08/34d8505c-b9e7-11e9-b3b4-2bb69e8c4e39_story.html).
4. Itkowitz, Colby, "Trump's Tweets About Migrant Kids' Deaths Cap a Year That Was Horrible for Children," *Washington Post*, Dec. 31, 2018, <https://www.washingtonpost.com/politics/2018/12/31/trumps-tweet-about-migrant-children-deaths-caps-year-that-was-horrible-children/>.
5. DeParle, Jason, "How to Fix Child Poverty," *New York Review of Books*, July 23, 2020, <https://www.nybooks.com/articles/2020/07/23/how-to-fix-child-poverty/>.

# DAY ONE



## Executive Actions

### Prioritize and Coordinate Government Efforts on Behalf of Children

- Create a White House Office of Children and Youth.
- Establish a Child Poverty Target to cut child poverty in half within a decade.
- Produce a “1% for Kids” FY 2022 budget that increases the share of federal spending on children by 1 percentage point (reflecting campaign priorities).

### Purge Cruelty from Our Immigration and Refugee Policies

- Rescind the Public Charge Rule.
- Rescind the HHS/DHS Flores Regulations.
- End family separations and establish an inter-agency task force to expeditiously reunify separated immigrant families.
- Reinstate and Expand DACA and TPS.
- Ban all immigration enforcement activities in courthouses, health facilities, and on school campuses so people involved in court cases, those seeking health care, and students are comfortable and safe from harassment, regardless of immigration status.

### Improve the Focus on Children and Equity in HHS

- Extend the COVID-19 public health emergency.
- Issue joint-guidance with ACF and the U.S. Centers for Medicare and Medicaid Services (CMS) on coordinating financing and delivery of family first prevention services.
- Establish an Office of Diversity, Equity and Inclusion in ACF.
- Forbid HHS and other executive agencies from awarding contracts or grants to adoption or foster care organizations that discriminate based on sexual orientation, gender identity, marital status or religion.

### Support Our Nation’s Students and Public Schools

- Put a moratorium on new charter schools, end the expansion and funding of charter schools not operated by local school districts and ban for-profit charters. Hold charter schools to the same measures of accountability as public schools, as advocated for by the NAACP.<sup>1</sup>
- Appoint a public school educator as Secretary of the Department of Education. Ensure that the Department of Education supports and fights for Title IX rights and against discrimination of all kinds within schools.

- Replace punitive disciplinary and zero-tolerance policies with social and emotional learning (SEL) practices, such as community-based and -informed restorative and transformative justice and wellness centers. Replace police presence on school campuses (Student Resource Officers (SROs)) with counselors and social workers. Allocate federal resources as an incentive to train teachers in trauma-informed care and teaching.
- Establish a target to desegregate public schools and early childhood education (ECE) programs. End massive racial funding disparities between schools. Largely non-white districts get \$23 billion less than white school districts.<sup>2</sup>
- Learning Policy Institute cites a report from Common Sense Media and Boston Consulting Group that “roughly 30% of the 50 million public school K–12 students in the United States lacked access to either high-speed internet or devices for easy access to digital learning at home.”<sup>3</sup> The COVID-19 pandemic exacerbated but did not create this crisis. Fully fund E-Rate and Lifeline to close the homework gap and digital divide immediately and ensure that these programs remain funded into the future.

## Improve Justice for Children

- Appoint a strong leader to the Office of Juvenile Justice and Delinquency Prevention (OJJDP) helm.
- Set a national evidence-based standard for the minimum age for juvenile court. State laws vary, but the vast majority of states allow children under the age of 12 to be prosecuted in juvenile court leaving these young children vulnerable to the collateral negative consequences of justice system involvement.
- Establish and disseminate best practices for legal representation of youth.

## Fix the U.S. Census

- Halt efforts by the U.S. Census Bureau to develop a redistricting data file based only on the citizen voting-age population.
- Provide the U.S. Census Bureau with 120-day extensions for reporting apportionment and redistricting data.

1. NAACP. “Statement Regarding the NAACP’s Resolution on a Moratorium on Charter Schools,” October 15, 2016. <https://www.naacp.org/latest/statement-regarding-naacps-resolution-moratorium-charter-schools/>

2. 23 Billion. EdBuild, February 2019. <https://edbuild.org/content/23-billion>.

3. Edgerton, Adam K. & Peter W. Cookson, Jr. *Closing the Digital Divide: The Critical Role of the Federal Government*. Learning Policy Institute, November 10, 2020. <https://learningpolicyinstitute.org/blog/covid-closing-digital-divide-federal-government>



# SECTION 1



## The Kids Are NOT Alright: Priorities for COVID-19 Relief

Our nation's children and youth continue to face two crises—the spread of COVID-19 and the resulting economic impact as businesses and schools remain closed. This pandemic is doing more than exposing the disparities that exist in our society; it is compounding them and so we must employ a near- and long-term approach to management of this unprecedented dual public health and economic crisis.

This outbreak and the resulting economic crisis are falling hardest on the most vulnerable among us, including our nation's children. It is disrupting every facet of children's lives and we cannot yet know all of the negative and long-lasting implications it will have on children's healthy development and future success. This disaster exposes how children are often not a priority, but rather an afterthought in our society and their needs continue to be overlooked and underfunded.

There is now an opportunity to make all children in the United States and territories a priority, including children of all races and ethnicities, all children regardless of immigration status, and children on native tribal lands. All COVID-19 relief efforts must ensure that children and families in the U.S. territories, including Puerto Rico, American Samoa, the Commonwealth of the Northern Mariana Islands, Guam, and the U.S. Virgin Islands are treated equitably as beneficiaries of all provisions intended to alleviate this current emergency.

The scope of support must also be based on the depth and duration of the resulting economic crisis, which is sure to outlast the declared public health emergency. Historically, we know that recessions are deeper and last longer for families with children, and we believe this will be the case this time as well.

First and foremost, we urge the Administration and Congress to do the following (for more details see our letter to House and Senate leaders):<sup>1</sup>

- **Create Equity and Parity for Children in Recovery Rebate Payments:** Establish equity in the current “recovery rebate” program to ensure all children and young people, regardless of age and immigration status, receive the same rebate as adults with no limitation on the number of qualifying dependents. As the law is currently written, families receive only \$500 per child under the age of 17, thus valuing children at just 41.7% the value of adults. The needs of a child—their shelter, their food, their care and their educational supports—are not 41.7% of the needs of an adult. The consequence is that a single parent with two children receives a smaller rebate (\$2,200) than a married couple without children (\$2,400).

Furthermore, some babies born in 2019 and all babies born in 2020 are not included in the recovery payments until a family's 2020 tax return is filed in 2021, despite the fact that the needs of families are immediate. In addition, 17- and 18-year-olds, as well as college students, who were claimed as dependents by their families in their 2019 tax returns are receiving no payments until they file their independent tax return next year. Even worse, parents of children with disabilities—among the most needy population who often do not have to file taxes—have experienced significant difficulty accessing their owed payments.

- **Authorize Additional, Bigger and Sustainable Direct Payments:** In addition to fixing the current “rebate program,” authorize additional, substantial, and regularly distributed “recovery rebates” (at least \$3,000 per month) that will reach those who need it most to make ends meet throughout this crisis. These payments should be bigger, distributed monthly, easily accessible, and should not turn off arbitrarily.
- **Remove Limits on Stimulus Payments Based on Family Size:** According to a Pew Research Center report in 2015, “Fully 20% of Hispanic moms have four or more children, as do 18% of black moms. In comparison, just 11% of white mothers have four or more children, as do 10% of Asian mothers.”<sup>12</sup> Consequently, Hispanic children will receive the lowest payment per child among all kids due to the imposition of this limit. Even more worrisome, we are concerned about the precedent that this arbitrary cap in support for larger families may have in the future. For years, child advocates have been fighting family caps in TANF. The United Kingdom has imposed a two-child limit in its universal child benefit. Again, we are deeply concerned about any and all child caps and worry about the ramification of such caps in future legislation.
- **Establish Fairness in Recovery Rebate Program for Children in Immigrant Households:** Currently, Social Security numbers are required to be eligible for the recovery payments, meaning many immigrant families will not qualify, including households with children who are U.S. citizens. Congress should ensure all families and children have access to this cash benefit during this historic public health and economic emergency to help pay for everyday needs such as food, housing, utilities, and more.
- **Automate Payment of “Recovery Rebates” to SSI Recipients with Dependents:** The Department of Treasury and the U.S. Social Security Administration should adopt procedures so that Supplemental Security Income (SSI) recipients with dependents can easily obtain their recovery rebates automatically without filing additional information just as SSI recipients without dependents will.
- **Expand Existing Refundable Tax Credits:** Expand the successful Child Tax Credit (CTC) and the Earned Income Tax Credit (EITC) to provide some permanent financial stability, delivered on a monthly basis, to households with children who have low-to-moderate income or no income. Improvements to these tax credit programs would help ensure a minimum set of resources regularly available to meet the rising costs of raising children and supporting healthy child development, serve as a buffer against the effects of the current economic crisis and any future crisis, and offer a mechanism to provide additional economic impact payments automatically should we experience another economic downturn.

The CTC expansion should make the credit fully refundable increasing it to at least \$4,000 per child per year; create a more generous young child tax credit (at least \$4,600 per child per year), include all children regardless of immigration status, designate 17-year-olds as “qualifying children,” establish equity for children in U.S. territories, and make payments on a regular monthly basis when household bills regularly come due. A CTC expansion such as the proposed American Family Act (H.R. 1560/S. 690) would lift 4 million children out of poverty and 1.6 million children out of deep poverty and benefit U.S. territories. The expansion of the EITC proposed in the Working Families Tax Relief Act (H.R. 3157/S. 1138) would reach families with children, low-income workers, qualified foster and homeless youth under age 25, and includes a federal matching mechanism for Puerto Rico’s new EITC.

- **Support a “Lookback” Provision for Refundable Tax Credits:** A “lookback” provision for the refundable tax credits (CTC and EITC) is needed so that lower-wage workers can use their previous-year earnings to calculate their tax credit amounts, as too many workers experienced wage and/or job loss which could reduce their credit amount or deny them eligibility even as they face increasing economic hardship.

The following are additional COVID-19 response policy recommendations across an array of children’s issues:

- Establish an emergency assistance fund of at least \$10 billion for children and families, including children being cared for by kin, as proposed in the Pandemic TANF Assistance Act (S. 3672).
- Provide flexible funding for community-based organizations to meet the unique needs of children, youth and families experiencing homelessness (as defined by the education subtitle of the McKinney-Vento Act), as proposed in the bipartisan Emergency Family Stabilization Act (S. 3923/H.R. 7950).
- Extend and improve upon the CDC nationwide eviction moratorium to make it automatic and universal, removing the affidavit requirement. Other improvements should include: explicitly making families who are living in hotel and motel rooms eligible for the moratorium, freezing all existing eviction orders, and eliminating late fees for back rent owed.
- Institute a moratorium on utility shut-offs for all properties.



- Provide at least \$100 billion in rental assistance that is accessible to children and families at risk of homelessness as well as experiencing homelessness as defined by the education subtitle of the McKinney-Vento Act.
- Extend the \$600 bonus Unemployment Insurance payments until economic conditions warrant phasing them down.
- Increase the maximum SNAP benefit levels by 15%.
- Extend USDA waivers that improve access to important meal programs, like the National School Lunch Program and summer nutrition programs, for a longer term.
- Extend and financially support the Pandemic EBT program for a longer term.
- Raise the Medicaid FMAP rate and eliminate the CHIP funding cut to states that went into effect on October 1, 2020.
- Protect the Maintenance of Effort (MOE) for Medicaid in the Families First Act that keeps individuals enrolled in Medicaid and receiving the full array of health benefits.
- Provide access to COVID-19 testing, treatment and vaccines for all regardless of immigration status.
- Address declining vaccination rates by supporting outreach efforts to ensure children do not fall farther behind on immunizations and receive a COVID-19 vaccine when it is available.
- Increase mental health services and funding for children and families who are under increased stress during the pandemic and its economic fallout.
- Suspend immigration enforcement and deportation as long as the public health emergency is in place.
- Automate grant or renewal of work authorization for DACA and TPS recipients and undocumented essential workers.
- Provide at least \$50 billion for a child care stabilization fund and \$7 billion for the Child Care and Development Block Grant.
- Provide \$100 million in additional funding for the Maternal, Infant, and Early Childhood Home Visiting Program (MIECHV), as well as flexible language that allows virtual visits to qualify as home visits under the program.
- Increase funding for Head Start and Early Head Start by \$1.7 billion to allow programs to address new costs and challenges.
- Provide \$250 billion in funding for K-12 education to stem state and local budget shortfalls and to ensure that the teacher shortage is not exacerbated.
- Suspend federal educational testing requirements until after the COVID-19 crisis has passed.
- Fully fund E-Rate and Lifeline to close the homework gap and digital divide immediately and ensure that these programs remain funded into the future.
- Support and fund community schools.
- Dedicate at least 1% (\$20-30 billion) equivalent of domestic COVID-19 emergency relief spending to global humanitarian assistance.<sup>3</sup> Emergency relief would cover disrupted impacts to healthcare, vaccine delivery, nutrition and education.<sup>4</sup>
- Provide child welfare systems with best practices for promoting child safety and family unity during COVID-19.
- Modify the Family First Prevention Services Act in order to sustain a commitment to prevention and help keep children safe and out of foster care.
- Increase funding and flexibility for Chafee Foster Youth to Independence services.
- Support kinship caregivers and foster parents.
- Increase juvenile justice and delinquency prevention programming.
- Incentivize states to release youth from detention facilities.

1. First Focus Campaign for Children, Letter to Congressional Leadership, Apr. 20, 2020, <https://campaignforchildren.org/wp-content/uploads/sites/2/2020/04/First-Focus-Campaign-for-Children-Recommendations-April-20-2020.pdf>.

2. Livingston, Gretchen, "Childlessness Falls, Family Size Grows Among Highly Educated Women," Pew Research Center, May 7, 2015, <https://www.pewsocialtrends.org/2015/05/07/childlessness-falls-family-size-grows-amonghighly-educated-women/>.

3. Gostin, Lawrence O., Eric A. Friedman, Chelsea Clinton. "Why America Must lead a global action plan for the Covid-19 pandemic" *Forbes*. May 15, 2020. <https://www.forbes.com/sites/coronavirusfrontlines/2020/05/15/why-america-must-lead-a-global-action-plan-for-covid-19/?sh=6abd6b622d25>

4. "InterAction Statement Urging Congress to Appropriate \$20 billion for COVID-19 response" July 24, 2020. Accessed December 2020. <https://www.interaction.org/blog/interaction-statement-urging-congress-to-appropriate-20-billion-for-covid-19-response/>

# SECTION 2



## Promises to Keep: Making Government Work Better for Children and Families

*It's time for a president to stand up and remind the American people that **we have promises to keep—promises to the world, promises to one another, promises to our children and to our grandchildren.** In rededicating ourselves to the hard work of fulfilling those promises, we restore America as the hope of the world and the vision of a brighter future.*

— Joe Biden, *Promises to Keep: On Life and Politics*<sup>1</sup>

While there is no doubt that our nation is deeply divided on most issues and the 2020 election results and aftermath confirm those divisions, there is uniform and tremendous “tripartisan” support for making significant progress on children’s issues with little to no demographic divide by gender, race, age, income, geography, education, marital status or religion, according to an election eve poll conducted by Lake Research Partners.<sup>2</sup>

This support includes ensuring that the “best interests” of children (81%–13% support) govern decision-making involving them, establishing an independent Children’s Commissioner (65%–26%) “to protect and improve the care and well-being of children,” and collaboration between Congress and the President to address issues such as cutting child poverty in half (70%–20%) and covering all children (85%–12%) with health insurance coverage.

As our nation seeks to heal and come together again to improve our “now” and our “future,” children clearly offer a pathway to finding the common ground that President Biden so often talks about.

Unfortunately, since children do not vote, do not give campaign contributions, and do not have lobbyists or political action committees (PACs), they have often been treated as an afterthought by policymakers in the past.

At the close of 2019, *Fatherly* highlighted more than two dozen bipartisan bills that would improve the lives of children across a variety of issue areas that were left unacted upon by the U.S. Senate.<sup>3</sup> The article cited the Legislative Scorecard by First Focus Campaign for Children (FFCC),<sup>4</sup> which could not identify a single vote throughout the entire year that was specific to the needs and well-being of children.

In the past four years, the Trump Administration has undertaken a series of policies that are akin to child abuse and neglect. First, despite worsening outcomes for children, their needs were largely ignored or neglected. Other policies that were enacted have led to worsening outcomes that include:

- Rising uninsured rates for children;
- Increasing child poverty;
- Rising child suicide rates;
- Increasing child abuse and neglect;
- High infant and maternal mortality;

- Rising food insecurity;
- Increasing child homelessness;
- Family separations and kids in cages; and
- A growing worldwide crisis on multiple measures of child well-being.

Furthermore, outright cruelty to children was the policy choice of the Trump Administration when it came to separating families, placing kids in cages, and undermining even basic health and protections of children who had come to our country seeking refuge and were in the custody of the federal government. These policies have rightfully been referred to as government-sanctioned child abuse.<sup>5</sup>

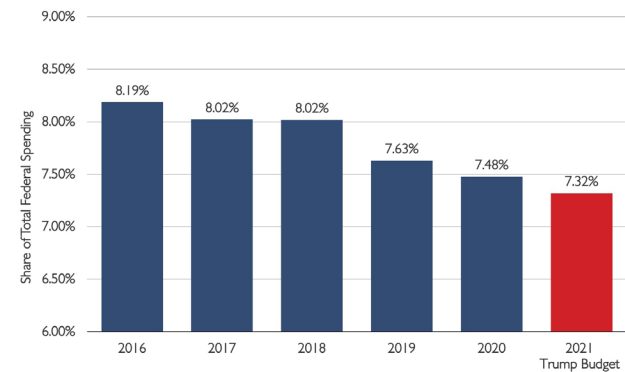
In response to these problems (many of which were worsening before the COVID-19 pandemic and economic recession), our *Children's Budget 2020* finds that federal investments in children as a share of overall federal spending dropped an astounding 9% in the last four years—to an all-time low of 7.48%.<sup>6</sup>

In fact, the contrast of the FY 2021 Trump-Pence budget proposal to the FY 2017 Obama-Biden budget proposal is rather astounding. The FY 2021 Trump-Pence budget included inflation-adjusted cuts of \$21 billion to children's programs, eliminated or consolidated into block grants 59 children's programs, and cut the children's share to just 7.31%.

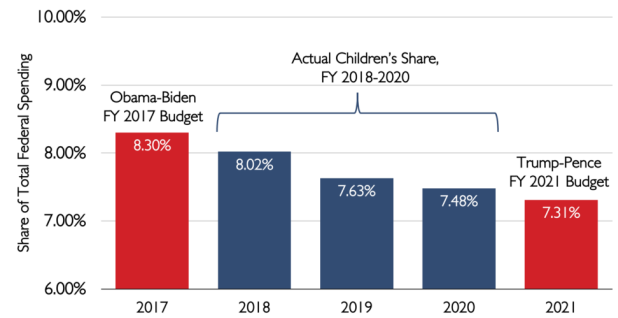
In sharp contrast, every single budget proposal during the Obama-Biden Administration included important investments in our nation's children. As an example, the final FY 2017 Obama-Biden budget proposal included inflation-adjusted increases of \$24 billion for children's programs, created or funded 16 new programs for children, and raised the children's share to 8.30%.

The American people have seen the consequences of these policies and the Lake Research Partners poll confirms that they believe children should be a greater priority in budget and policy decisions by our political leaders. It is time to be quite purposeful as we commit to fulfilling the promises we make to our children and to set them on a course for a better and more prosperous future. If we want to "Build Back Better,"<sup>7</sup> we should start with our children and families, domestically and around the world.

## Children's Share of Total Federal Spending Declined between FY 2016 and 2020

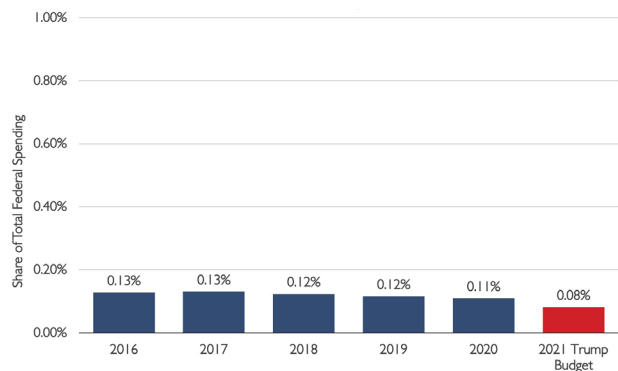


## Proposed Children's Share Has Dropped Since FY 2017



Source: First Focus on Children estimate based on Office of Management and Budget data.

## Federal Spending on Children Internationally Remains Very Low



## Building Stronger Partnerships: Office of Public Engagement

As the nation's leading cross-sector child advocacy organization, First Focus Campaign for Children offers our assistance to the Office of Public Engagement (OPE) to help them build a list of children's organizations to work with in the new Administration, just as we did during the Obama Administration.

For example, First Focus Campaign for Children runs the two largest cross-sector children's coalitions: The Children's Budget Coalition (more than 80 national organizations) and the Child Poverty Action Group—USA. In addition, we are members of more than 30 coalitions on every possible topic that impacts children, including health care, education, early childhood, nutrition and hunger, poverty, homelessness, child welfare, immigration, juvenile justice, child rights, and international children's issues. No other child advocacy group in the country reaches across so many policy areas and coalitions.

Consequently, we stand ready to help Rep. Cedric Richmond and his OPE staff develop a strong partnership with the children's community in order to better communicate and liaison with child advocates nationally and at the state and local levels. We can help OPE identify groups for direct outreach, share information from the Administration to our coalitions and state and local partners, or help with other forms of outreach and engagement with the children's community.

## Creation of a White House Office on Children and Youth

Along with 350 other organizations and individual leaders in our community (including past Obama-Biden Administration officials),<sup>8</sup> we strongly urge the creation of a White House Office on Children and Youth for the following reasons:

First and foremost, children's policy needs and concerns are often an afterthought or dismissed by policymakers—sometimes unintentionally. The field of pediatrics often points out that children have special health care needs and that “children are not little adults” to explain why child health policy and developmental issues need distinctive attention and focus.

Moreover, government plays a unique role with respect to helping families support and protect the health, education, well-being and safety of children, who represent one-quarter of the population but all of our future.

Creating a White House Office on Children and Youth would ensure that the special role that government plays in the lives and well-being of children is no longer treated as an afterthought or ignored. Due to the COVID-19 pandemic and economic recession, children need a national commitment and focus dedicated to their support and protection now and more than ever.

Second, federal policy involving children needs better coordination and alignment. Programs that impact the lives and well-being of children cut across an array of federal departments and agencies, but children do not live in such silos. Poverty impacts the health, education, nutrition, housing and welfare of our kids. Early childhood and youth programs cut across numerous departments and agencies. Unfortunately, they exist with little to no coordination.

Furthermore, many of the critically important campaign promises made by the Biden-Harris ticket would require cross-agency coordination, alignment and commitment. A White House Office on Children and Youth would ensure those policies come to fruition and help set our country on a path to ensure that we meet our promises to children.

## Creation of an Independent Children's Commissioner

When a child cries out for help, whether it is a sick child, an abused child, a hungry child, a homeless child, or a victim of gun violence, adults should listen and protect children. It is shocking how often we fail to do so.

Even though our country played an instrumental role in the drafting of the UN Convention on the Rights of the Child (CRC), the U.S. is the only country in the world that has failed to ratify the CRC. Other nations have also taken the additional step of creating an independent Children's Commissioner or Ombudsman to help live up to the various articles in that document.

Absent adoption of the CRC in this country, we should, at the very least, create an independent Children's Commissioner to create a formal process to engage, listen to, and lift up the voices of our nation's children and youth when it comes to policies that involve children.

An independent Children's Commissioner would also help the government fulfill its duty to support and protect children by examining policy choices, issuing reports, and making recommendations to Congress and federal agencies on ways to coordinate their efforts and build on best practices, research, and lessons learned with respect to the impact of proposed policies on children. This is in the best interest of our nation, as the cost of failing children is enormous in both human and socio-economic terms today and well into the future.

Whether it is child sexual and physical abuse or neglect, child poverty, homelessness, or juvenile justice, our nation's leaders have turned a blind eye to the plight of our youngest, poorest, and most vulnerable citizens, who through no fault of their own, are faced with enormous challenges that threaten their ability to ever fulfill their potential.

The fact is that violence, abuse, injustice and discrimination against children in families, schools, prisons and institutions can best be eliminated if children are enabled and encouraged to tell their stories and be heard by people with the authority to take action. Far too often, institutions have repeatedly failed children (e.g., from scandals involving child and sexual abuse by public, private, nonprofit and religious institutions to policies of family separation and the caging of children by the federal government in the last Administration). Rather than putting the protection and well-being of children first, institutions often tragically choose to silence the voices of children in order to cover up the abuse and protect the abusers.

According to Lake Research Partners' 2020 Election Eve survey, nearly two-thirds of voters also supported the creation of an independent Children's Commissioner to improve oversight and "to investigate and make recommendations on ways to protect and improve the care and well-being of children" by **65–26%** (a 39-percentage point margin).<sup>9</sup> Such a position would track the actions of other countries around the world, including the United Kingdom, Sweden, Australia, and New Zealand, to ensure children are not ignored or treated as an afterthought and, since kids can't vote, to give young people a voice in government policies that impact their safety, care and well-being.

Regardless of political party, voters support U.S. attention to protecting and improving the lives of children with an independent voice.

- Democrats: 82-13% (68-percentage point margin)
- Republicans: 52-37% (15-percentage point margin)
- Republicans under age 35: 63-27% (36-percentage point margin)
- Independents: 60-30% (30-percentage point margin)

Across all racial groups, there is strong support for the creation of an independent Children's Commissioner:

- White: 65-27% (45% strongly support)
- Black: 72-18% (56% strongly support)
- Hispanic: 64-26% (51% strongly support)
- Asian American or Pacific Islander: 74-19% (50% strongly support)

There is also strong support across all age groups for having an independent body focused on ensuring children are not treated as an afterthought by government.

- Gen Z (age 18-23): 68-22% (46-percentage point margin)
- Millennial (age 24-39): 70-22% (48-percentage point margin)
- Gen X (age 40-55): 65-27% (38-percentage point margin)
- Boomer (age 56-74): 60-29% (31-percentage point margin)
- Silent Generation (age 75-91): 69-26% (43-percentage point margin)

The core responsibilities of such an office would include promoting a coherent, effective and efficient federal approach to children that includes research, legislative and regulatory child impact analysis, awareness raising, the promotion of the best interest of children, complaint review that would fulfill an obligation to listen to and help raise the voice of children to policymakers in Congress and the executive branch, particularly with respect to protecting children from harm and to further their growth and development.

We would urge the Biden-Harris Administration to work with Congress to establish an independent Children's Commissioner.



## Adoption of a Best Interest of the Child Standard

Children deserve to have their best interests govern policy decisions that involve their lives and well-being. Unfortunately, children are—far too often—an afterthought in federal policymaking.

As Michael Freeman, author of *The Moral Status of Children* writes:

*All too rarely is consideration given to what policies. . . do to children. This is all the more the case where the immediate focus of the policy is not children. But even in children's legislation the unintended or indirect effects of changes are not given the critical attention they demand. . . But where the policy is not "headlined" children. . . , the impact on the lives of children is all too readily glossed over.<sup>10</sup>*

Children do not vote, do not have PACs, and do not have well-heeled lobbyists pushing their agendas. And yet, children rely on adults in society and government to serve their needs and interests. Therefore, there needs to be a government-wide commitment to address the "best interests of children" in all policymaking. The Biden-Harris Administration should set a standard and commitment across the executive branch to ensure that children are no longer treated as an afterthought or worse.

With respect to the Lake Research Partners survey question on whether federal policy "should be governed by a 'best interest of the child' standard that makes the protection and the safety of children the first priority," an overwhelming **81–13%** of voters—a more than 6-to-1 margin—supported the establishment of such a standard with 64% in strong agreement.<sup>11</sup> Voters of all political persuasions believe the "best interest" standard should be in place for decisions that impact children.

- Democrats: 92-6% (78% strongly support)
- Republicans: 73-17% (54% strongly support)
- Independents: 77-17% (59% strongly support)

Voters are also supportive of a focus on children whether they have children or not.

- Fathers: 76-18% (55% strongly support)
- Mothers: 79-14% (63% strongly support)
- Childless voters: 83-12% (66% strongly support)

## Establishment of a National Child Poverty Target

No child in the world's wealthiest nation should go to bed hungry or be deprived of clean air or be without the opportunities that come from having a safe, affordable place to call home. Yet our country's child poverty rate remains consistently higher than that of our peer countries, and children in the United States continue to experience poverty at a rate 54 percent higher than adults.

The Lake Research Partners survey also found that, on an array of specific policy issues, voters strongly supported actions to improve the lives of children. On the question of whether the "U.S. should set a Child Poverty Target to cut child poverty in half in 10 years," American voters supported it **70–20%** (50-percentage point margin).<sup>12</sup>

Support for making child poverty a focus of federal policy is "tripartisan."

- Democrats: 85-10% (73% strongly support)
- Republicans: 56-29% (37% strongly support)
- Republicans under age 35: 62-26% (more than 2-to-1 margin)
- Independents: 67-22% (51% strongly support)

Both Biden and Trump voters support the creation of a Child Poverty Target by wide margins.

- Biden voters: 86-9% (77-percentage point margin)
- Trump voters: 53-32% (20-percentage point margin—due to rounding)

Our past polling on children's issues sometimes revealed divides based on age, with support strongest among younger adults, and strong but lower among senior citizens. This 2020 election eve survey shows broad support across generations for children. On the issue of creating a Child Poverty Target, support was strong from young to old.

- Gen Z (age 18-23): 78-18% (60-percentage point margin)
- Millennial (age 24-39): 75-18% (56-percentage point margin—due to rounding)
- Gen X (age 40-55): 71-21% (50-percentage point margin)
- Boomer (age 56-74): 61-24% (37-percentage point margin)
- Silent Generation (age 75-91): 75-15% (60-percentage points and a 5-to-1 margin)

Due to our country's long history of systemic racism and discrimination, poverty rates for children of color are nearly three times that of white children. COVID-19 has only exacerbated this problem, with an additional 2.5 million children experiencing poverty since May 2020.<sup>13</sup>

Findings from a landmark, nonpartisan 2019 study from the National Academy of Sciences (NAS)<sup>14</sup> show us that we know what works to reduce child poverty, we just need the political will to act.

Enacting a target to cut our national child poverty rate in half within a decade establishes a framework for holding our nation's decisionmakers accountable to action, including making significant progress in reducing racial and ethnic economic disparities. Policies enacted to reach this goal must include those with a strong evidence base in reducing disparities, including increasing access to cash assistance for children living in deep poverty, children in immigrant families, and children living in Puerto Rico and the other territories.

The effectiveness of targets in reducing child poverty is well-established. The United Kingdom cut its child poverty rate in half between 1999 and 2008<sup>15</sup> and before the outbreak of COVID-19, Canada had lifted more than 300,000 children out of poverty since 2015 after setting an overall national poverty reduction target.<sup>16</sup> There is also momentum here in the United States, with campaigns in several states dedicated to reducing child poverty.<sup>17</sup>

Furthermore, Vice President-elect Kamala Harris included a target to cut child poverty in half within four years in her Children's Agenda.<sup>18</sup>

## Adoption of a Children's Budget

President-elect Biden has often been quoted as saying:

*Don't tell me what you value, show me your budget, and I'll tell you what you value.*

Sen. Bob Menendez (D-NJ) adds:

*If we as a nation value our children, then our federal budget must reflect those values.*

We wholeheartedly agree. Our budget reflects our values and unfortunately, far too often, children remain an afterthought in federal budget decisions. If we truly value our children, that must change, and one important and helpful step would be to install greater transparency in those spending decisions.

The federal government spends nearly \$5 trillion annually (absent the pandemic), a large portion of which is spent on health care, Social Security, defense, and interest on the national debt; the remaining mandatory programs and nondefense discretionary programs account for about one-quarter of federal spending.<sup>19</sup> First Focus Campaign for Children estimates that 7.48% of this spending went toward children in FY 2020.<sup>20</sup>

Currently, there exists no simple, widely agreed upon and comprehensive method or oversight process that regularly tracks federal spending on children's programs and services. These objectives are difficult to achieve given the wide array of issues unique to children that span myriad policy areas and cover dozens of agencies and bureaus. A formal tracking process would allow an accurate assessment of the overall level of investment in children and the spending trends affecting them. We recommend authorizing the Office of Management and Budget (OMB), through the Budget Review Division, to implement a comprehensive, separate accounting of the President's budget decisions affecting children including a summary of new obligational authority and outlays requested for children's programs, the share of federal spending on children, and a detailed breakdown of spending on children and children's programs by agency and initiative. This goal could be achieved with the following measures:

- Direct OMB to establish a Children's Budget, which would track and provide detailed analysis of funding streams that benefit children, similar to S.1776 introduced by Sen. Bob Menendez (D-NJ) and cosponsored by Vice President-elect Harris and Sen. Bob Casey (D-PA). Complementary legislation (S.1780) was introduced by Sen. Harris with Sens. Menendez and Casey that would require CBO to track federal spending on children's programs and services.

Sen. Harris eloquently stated the importance of this budgetary action when she introduced the bill in June 2019:

*The well-being of our children should be our top priority as a society. Establishing greater transparency around the resources or lack thereof our government is putting into our young people is the first step to ensuring their success and prosperity. There is much work to be done to properly invest in our children, and this legislation will help ensure our spending decisions reflect this as a national priority.*

- Use the Children's Budget to inform annual budget requests for mandatory spending proposals, appropriations requests, tax expenditures and revenue proposals.
- Determine an official share of federal spending that goes toward children and set a goal of increasing that share.

OMB should seek to quantify information related to investments in children across the entire federal budget, just as it does for items such as meteorology, the Export-Import Bank, drug control policy and cybersecurity, to ensure the Administration is fully informed about the impact its budget proposals will have on our nation's children, who represent one-quarter of the nation's population and all of our future.

## Creation of Child Impact Statements

As Vice President-elect Harris has said:

*Every action we make has a profound impact on our children and their future. It's vital we think about them when making decisions.*

Policy often impacts the lives of children, but that effect is often an afterthought by some policymakers. Child impact statements by governmental agencies or independent entities would answer fundamental questions about how a policy may benefit or harm children and would ensure that the impact is considered prior to implementation.

As Wendy Lazarus at Kids Impact Initiative writes:

*Much like environmental impact assessments and fiscal impact assessments, child impact assessments apply to children a well-tested process used to advance priorities society considers important. Child impact assessments can focus policymakers' attention on shared goals for kids and analyze the implications of a proposal in relation to those goals.*

*To produce a child impact assessment, staff in government agencies or outside entities use a template to answer very basic questions which are designed to uncover the ways in which a proposal is good for children or could harm them. Child impact assessments can be used to guide decision-making at the city, county, state, or federal government levels—and by school boards and other public entities whose decisions have major impacts on kids' lives.<sup>21</sup>*

Communities like Shelby County, Tenn., and Santa Clara County, Calif., have established child impact assessments in their work and have found them to be quite beneficial toward fully understanding the effect that policy decisions will have on children.

As Dana Bunnnett, Director of Kids in Common in Santa Clara, Calif., explains:

*Child Impact Statements...look at policy and program choices through a different lens that brings children into focus, making their needs visible and important, not just incidental to the final decision. When consideration of a policy's impact on children is a primary concern and occurs early in the process, the potentially negative effects on kids can be mitigated from the beginning.<sup>22</sup>*

A number of countries around the world have such a process. As Kids Impact finds:

*First established by the parliament of Belgium in 1997, "child rights impact assessments"...then spread to other places including England, Ireland, Scotland, Wales, New Zealand, Finland, Sweden, Canada and Australia. Their use grew as the United Nations committee that oversees adherence to child rights recommended that countries use child rights impact assessments to demonstrate compliance.<sup>23</sup>*

Through an Executive Order, we urge President-elect Biden to require federal agencies to implement child impact statements as part of the Administration's work in developing policies and implementing federal programs through regulations, rules and guidance.

## Establish a New Bipartisan Commission on Children

President-elect Biden has demonstrated that he is committed to working, as much as possible, in a bipartisan way to make progress in addressing the nation's problems. Our children face a number of problems in this moment and we are offering a lengthy agenda in this document to address those concerns. However, with the view of the long-term in mind, we encourage the Biden-Harris Administration to consider establishing a new bipartisan Commission on Children.

A National Commission on Children would focus the attention of federal policymakers and national news media on children's issues, generate new ideas for policy reforms that meet the challenges children face, and create momentum for change. The primary goals of a commission would be to identify and consistently measure indicators of child well-being, to help maintain support for long-term investments in our children, and to set forth new public policy ideas aimed at improving our performance and making America first among nations on child well-being over the next decade or longer.

As noted above, there is "tripartisan" support for an array of children's issues and the Commission could work on assembling an agenda that could bridge the partisan divide and improve the lives of the next generation.

There is precedent for the effectiveness of a National Commission on Children. In 1991, the National Commission on Children issued its report to the Bush Administration and Congress. That report ended up serving as a catalyst for the enactment of groundbreaking legislation for children and families, including the Earned Income Tax Credit (EITC), the Child Tax Credit, and the state Children's Health Insurance Program (CHIP).

Duties of the Commission could include:

- Conducting a comprehensive study to examine and assess the needs of children;
- Submitting a report to the President and Congress on specific findings, conclusions and recommendations to address the needs of children;
- Transitioning this report to an annual assessment of the performance of the United States in ensuring the well-being of children, that recommends improvements to children's well-being by:
  - Establishing national goals for improving child well-being and developing year-by-year targets for improvement to determine how the United States fares with respect to achieving the national goals;
  - Identifying and selecting the national indicators of child well-being to measure child development, and assessing how the United States fares with respect to national goals;
  - Making legislative and budgetary recommendations to Congress and the President to achieve the national goals for improving children's well-being.

## Creation of a Youth Advisory Council

As President-elect Biden said:

*One of the most powerful voices we hear in the country today is from our young people. They're speaking to the inequity and injustice that has grown up in America. Economic injustice. Racial injustice. Environmental injustice.*

*I hear their voices and if you listen, you can hear them too. And whether it's the existential threat posed by climate change, the daily fear of being gunned down in school, or the inability to get started in their first job—it will be the work of the next president to restore the promise of America to everyone.<sup>24</sup>*

The UN Convention on the Rights of the Child, which the U.S. helped draft but failed to ratify, includes very important commitments from governments around the world to engage youth directly in policies and programs that impact their lives. Children deserve to be heard and their voices respected in our society, particularly with respect to the policies that affect them.

We all strive for a continued thriving democracy, but it is impractical to believe that our nation's young people will come to love and understand democracy if our society simultaneously structures public debate and policies that impact children in ways that fail to ensure that their perspectives and voices are listened to and addressed. Young people have much to offer and have demonstrated their power to mobilize and speak out on issues of critical importance to their present and their future, including on issues such as climate change, education funding, racial justice and gun reform. In fact, our nation's youth have historically led many of the movements that have transformed our nation's sense of fairness and equity, our policy agenda and our culture.

We must provide meaningful opportunities for our youth to share their ideas and offer input, hear what they are saying, and factor their views into the policies and actions that our government and society take. In fact, violence, abuse, injustice and discrimination against children in families, institutions and society can best be eliminated if children are enabled and encouraged to tell their stories and be heard by people with the authority to take action.

We can and must do better by our children, and it starts by listening to them.

As Vice President-elect Harris said:

*Children are our nation's future. We must listen to them about what they care about and give them a voice in our government.*

## Ensure All Children Are Accounted for in the 2020 Decennial Census

Two million young children were missed in the 2010 Decennial Census, more than any other age group and we are likely to see another severe undercount from the 2020 Census. As we know from our work in the Count All Kids Campaign,<sup>25</sup> an accurate census count that includes all children means more federal money for their states and communities for schools, healthcare, child care, and many other programs that help children thrive. It also means local governments have better information to plan for things like the number of children in schools or how many families need health care. Our failure to account for all of our nation's children could have repercussions for the next decade, or most of a childhood, if we don't act to protect and improve 2020 Census data quality. We recommend that the Biden-Harris Administration:

- **Safeguard the 2020 Decennial Census to Ensure Accurate Data:** Halt measures being undertaken by the Trump Administration to exclude children, along with undocumented individuals and other non-voting populations, from data being used for redistricting. In addition, the U.S. Census Bureau should be granted the 120-day extensions it has requested to report apportionment and redistricting data. Extending these deadlines is necessary to ensure that children have representation in our society.
- **Improve Data Quality on Children:** Encourage the U.S. Census Bureau to undertake efforts to supplement 2020 Decennial Census data collected on children to ensure that federal funding for children is not negatively impacted.
- **Institutionalize a Focus on Children at the U.S. Census Bureau:** In order to ensure children are consistently prioritized in data collection and reporting, the U.S. Census Bureau should appoint a dedicated staff person to focus on children, especially young children, to improve and coordinate data on children for all U.S. Census Bureau surveys and resources. This role should also work to increase awareness at the Bureau about how data on children is used across federal agencies and impacts outcomes on child well-being.

## Establish the Second Sunday in June as National Children's Day and that Week as Children's Week

In 2001, President George W. Bush proclaimed the first Sunday in the month of June as National Children's Day. The proclamation read:

*All adults must work together to ensure the safety and well-being of our Nation's most precious resource, our children. . . We must nurture our children's dreams, help them develop their talents and abilities, and ensure their healthy development so that they may reach their full potential. Our success in this endeavor will affect the direction of their lives and the future strength and vitality of our Nation.<sup>26</sup>*

Predating that, President Bill Clinton declared the 2nd Sunday in October as National Children's Day. In 1998, the proclamation read:

*One of the most important measures of our success as a Nation is the well-being of our children. As a society, we have no more important responsibility than to help our families raise healthy, happy, loving children in an environment that allows kids to reach their full potential.<sup>27</sup>*

Over the past four years, child advocates have declared the 2nd Sunday in June to be National Children's Day and the week following as Children's Week in the U.S.



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# SECTION 3



## End Child Poverty: Follow the Bipartisan Roadmap

No child in the world's wealthiest nation should go to bed hungry or be deprived of clean air or be without the opportunities that come from having a safe, affordable place to call home. Yet our child poverty rate remains consistently higher than that of our peer countries, and children in the United States continue to experience poverty at a rate 54% higher than adults. Due to our country's long history of systemic racism and discrimination, poverty rates for children of color are nearly three times that of white children. COVID-19 has only exacerbated this problem, with an additional 2.5 million children experiencing poverty since May 2020.<sup>1</sup> To tackle child poverty, we recommend the following steps:

- **Establish a National Child Poverty Target:** Findings from a landmark, nonpartisan 2019 study from the National Academy of Sciences show us that we know what works to reduce child poverty, we just need the political will to act.<sup>2</sup> Enacting a target to cut our national child poverty rate in half within a decade establishes a framework for holding our nation's decisionmakers accountable to action, including making significant progress in reducing racial and ethnic economic disparities. Policies enacted to reach this goal must include a strong evidence base in reducing disparities, such as increasing access to cash assistance for children living in deep poverty, children in immigrant families, and children living in Puerto Rico and the other territories.

The effectiveness of targets in reducing child poverty is well-established. The United Kingdom cut its child poverty rate in half between 1999 and 2008<sup>3</sup> and before the outbreak of COVID-19, Canada had lifted more than 300,000 children out of poverty since 2015 after setting an overall national poverty reduction target.<sup>4</sup> There is also momentum here in the United States, with campaigns in several states dedicated to reducing child poverty.<sup>5</sup> We were thrilled to see that Vice President-elect Harris included a target to cut child poverty in half within four years in her Children's Agenda.

- **Improve Federal Poverty Measures to Fully Capture Hardship in the United States:** Annual child poverty figures from the U.S. Census Bureau underestimate the problem of child poverty—families with children living at twice the official poverty threshold still lack enough income to make ends meet.<sup>6</sup> It is critical to a) first reverse any efforts taken by the Trump Administration to alter federal poverty measures that would further underestimate poverty in the United States b) instruct the National Academy of Sciences Committee on National Statistics to analyze the development of measures needed to more fully capture hardship being experienced by children and families and c) encourage the U.S. Census Bureau to do more frequent collection and reporting of poverty data.

## Legislative Action

No child in the world's wealthiest nation should go to bed hungry or be deprived of clean air or be without the opportunities that come from having a safe, affordable place to call home. Yet our child poverty rate remains consistently higher than that of our peer countries, and children in the United States continue to experience poverty at a rate 54% higher than adults. Due to our country's long history of systemic racism and discrimination, poverty rates for children of color are nearly three times that of white children. COVID-19 has only exacerbated this problem, with an additional 2.5 million children experiencing poverty since May 2020.<sup>7</sup> To tackle child poverty, we recommend the following legislative action:

## Support Passage of the Child Poverty Reduction Act (S. 4115/H.R. 7419)

Led by Sen. Bob Casey (D-PA) and Rep. Danny Davis (D-IL)

Findings from a 2019 landmark, nonpartisan study from the National Academy of Sciences, *A Roadmap to Reducing Child Poverty*, show that child poverty is solvable when there is the political will to act.<sup>8</sup> The Child Poverty Reduction Act establishes a framework for holding our nation's decisionmakers accountable to reducing child poverty by codifying a commitment to cut our national child poverty rate in half within a decade and directing the National Academy of Sciences to issue annual reports on progress toward this goal.

## Reform the Temporary Assistance for Needy Families Program

The Temporary Assistance for Needy Families (TANF) program is the only federal program that provides cash assistance to families with very low incomes. Yet just 22% of all poor families that are eligible for cash assistance receive it.<sup>9</sup> States overwhelmingly use TANF funds for priorities other than the program's original intent of reducing child poverty and getting families back to work. In addition, due to its nature as a fixed block grant, TANF is not able to effectively respond during times of increased need and the block grant has fallen in value by more than 30% due to inflation since 1996.<sup>10</sup> States with larger percentages of Black residents offer lower levels of cash assistance through the TANF program, contributing to Black children experiencing disproportionately high rates of poverty compared to white children.<sup>11</sup> TANF needs significant reform to increase its effectiveness at reducing child poverty and racial disparities in child poverty rates by:

- Adding child poverty reduction as an explicit goal of TANF and measuring state performance by how many children are lifted out of poverty in all TANF caseloads;
- Increasing funding for the block grant and improving upon the ability of TANF to respond during times of increased need;
- Holding states accountable for helping parents exit TANF with quality employment that provides their family with a wage sufficient for long-term household economic security;
- Allowing parents to meet work requirements through pursuing higher education, skills training or vocational education while guaranteeing child care assistance, transportation assistance, and other supports.

## Support passage of the American Family Act (S. 690/HR. 1560)

Led by Sens. Michael Bennet (D-CO) and Sherrod Brown (D-OH) and Reps. Rosa DeLauro (D-CT) and Suzan DelBene (D-WA)

Undoubtedly, the temporary improvements to the Child Tax Credit as proposed in President-elect Biden's tax plan would address near-term financial hardships for many low-income households, and we support those provisions. We very strongly endorse strengthening and expanding the Child Tax Credit and converting it into a permanent, monthly child allowance to help ensure parents have the vital resources to meet current challenges and the high costs associated with raising children and supporting their healthy development. Payments delivered regularly each month to households with children would establish a steady payment designed to better meet the daily and emergency needs of families throughout the year. At the same time, the regular cash support would provide some financial stability to families with children and spur the economy during the ongoing emergency and beyond. Regular delivery of assistance also offers a ready mechanism to adjust benefit levels as needed—for example, to increase payments during times of economic crisis.

Important principles for reforming the CTC include:

- Making the credit fully refundable and increasing the credit (to at least \$4,000 per child per year);
- Creating a more generous young-child tax credit (at least \$4,600 per child per year);
- Including all children, regardless of immigration status;
- Designating 17-year-olds as "qualifying children;"
- Establishing equity for children in U.S. territories;
- Making advance payments on a monthly basis when household bills regularly come due;
- Ensuring the benefit automatically keeps pace with inflation and the rising costs of raising children; and,
- Protecting recipients of other social safety net programs so that the tax credit doesn't count against eligibility for those other key support programs.

These changes would ensure that 29 million children<sup>12</sup> in low- and moderate-income working families (one-third of all children nationwide)<sup>13</sup> receive the full credit and are not left behind because their parents earn too little or the refundable portion of the credit is capped. Currently, 50% of Black/non-Hispanic and Hispanic children are left behind and do not receive the full credit, compared to 23% of White/non-Hispanic children; and nearly 1-in-5 Black/non-Hispanic children do not receive any credit at all.

By a wide 71-18% margin, voters said they would favor improvements to the Child Tax Credit in the American Family Act to help children and families and reduce poverty. On a “tripartisan” basis, voters widely favor the legislation.

- Democrats: 86-9% (76-percentage point margin—due to rounding)
- Republicans: 62-24% (38-percentage point margin)
- Independents: 64-25% (40-percentage point margin—due to rounding)

Both Biden and Trump voters support improving the Child Tax Credit for children.

- Biden voters: 85-9% (76-percentage point margin)
- Trump voters: 58-28% (30-percentage point margin)

The American Family Act maintains strong support by voters across all age groups:

- Under 30: 81-15% (66-percentage point margin)
- Age 30-39: 67-23% (43-percentage point margin—due to rounding)
- Age 40-49: 68-19% (49-percentage point margin)
- Age 50-64: 73-18% (55-percentage point margin)
- 60 and over: 68-18% (50-percentage point margin)

Support for the American Family Act and improving the Child Tax Credit is high regardless of whether voters have children at home or not.

- Fathers: 70-22% (47-percentage point margin—due to rounding)
- Mothers: 77-16% (60-percentage point margin—due to rounding)
- Childless voters: 71-18% (53-percentage point margin)

## Establish a Universal Paid Family and Medical Leave Program through the FAMILY Act (S. 463/H.R. 1185)

Led by Sen. Kirsten Gillibrand (D-NY) and Rep. Rosa DeLauro (D-CT)

The lack of earned family leave for millions of workers in the United States leaves parents with the impossible choice of staying home to care for and bond with their newborn or losing necessary income. The United States is the only country in the Organization for Economic Cooperation and Development (OECD) that does not provide paid maternity leave nationwide. The Family and Medical Insurance Leave (FAMILY) Act would make workers in all companies, regardless of size, eligible for up to 12 weeks of partial income for family and medical leave, including pregnancy, childbirth recovery, serious health condition of a child, parent, spouse or domestic partner, birth or adoption of a child and/or military caregiving and leave. Workers could earn 66% of their monthly wages, up to a capped amount. The cost of providing this leave would be covered by small employee and employer payroll contributions of two cents per \$10 in wages or about \$1.50 a week for the average worker. There is momentum growing toward a national paid family and medical leave program.

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# SECTION 4



## Improving the Tax Code to Reflect the Needs of Children and Families (also see Section 3 on Child Poverty)

Improving economic opportunities for lower-income families with children requires a mix of policy solutions, and the federal tax code is a consequential tool we can use to assist families struggling to afford basic living expenses, reduce child poverty, address income and racial inequalities, and build families' financial security. The Child Tax Credit (CTC) and the Earned Income Tax Credit (EITC) are among the most successful existing policies to reduce child poverty. It is critically important to improve these tax credits and enact additional tax provisions that would make the tax code fairer and more equitable toward low- and moderate-income families and children, especially minority families with children.

One proven way to combat child poverty is to increase a family's cash income to pay for essential needs that make a difference in the short- and long-term outcomes for children's healthy development and well-being. Near-term improvements to the CTC are important policy changes to aid our families and children who most need support to meet the rising costs of raising children, reach minority and immigrant households left out of the current tax credit program, and provide a regular, minimum income for lower-income or no-income households with children. We strongly support the near-term expansion and strengthening of the CTC and urge the Biden Administration to pursue the design and implementation of a permanent child benefit program that would go a long way to eliminating child poverty and creating an impactful benefit for children, families and our economy into the future.

Parents and caregivers need cash income to provide for their children by paying for rent and transportation to work, as well as by securing goods and services—nutritious food, healthcare and school supplies—that improve their children's development and educational achievement. Extensive research shows that children in households who receive a boost in income are healthier, perform better in school, and earn more as adults. Increased household income also relieves parental stress, giving parents more time and mental energy for their children. Poverty not only has negative implications for our nation's children, but for our larger society. In 2015, child poverty cost the U.S. economy upwards of \$1 trillion, representing 28 percent of the federal budget.<sup>1</sup>

There is plenty of research to support the implementation of a child benefit program that would serve as a powerful and meaningful way to reduce child poverty. The 2019 landmark, nonpartisan National Academy of Sciences study, *A Roadmap to Reducing Child Poverty*, finds that a \$3,000 annual child allowance, operating as an extension of the Child Tax Credit, is the most effective measure to reduce child poverty in the United States and disproportionately addresses poverty for Black and Hispanic children as well.<sup>2</sup> Analysis by the Niskanen Center finds that a similar child allowance program, like that proposed in the American Family Act (see Section 3), would lift approximately 4 million children out of poverty, cutting child poverty by 42% and cutting in half deep child poverty (children living in households with incomes below 50% of the poverty line).<sup>3</sup> Near-term changes would ensure that 29 million children<sup>4</sup> in low- and moderate-income working families (one-third of all children nationwide)<sup>5</sup> receive the full credit and are not left behind because their parents earn too little or the refundable portion of the credit is capped. Currently, 50% of Black/non-Hispanic and Hispanic children are left behind and do not receive the full credit, compared to 23% of White/non-Hispanic children; and nearly 1-in-5 Black/non-Hispanic children do not receive any credit at all.

In addition, many of our peer countries have implemented different forms of a child allowance benefit and the results are incredibly positive. The United Kingdom cut its child poverty rate in half between 1999 and 2008<sup>6</sup> and before the outbreak of COVID-19, Canada had lifted more than 300,000 children out of poverty since 2015 due to its enhanced child benefit.<sup>7</sup>

There is real momentum towards addressing the high rate of child poverty in the U.S., including bipartisan solutions. The coronavirus outbreak and its economic turmoil have confirmed that action to reduce child poverty and support family economic security is now more necessary than ever. A Biden-Harris Administration is clearly boosting that momentum and can seize this pivotal moment to adopt near-term solutions and lasting, structural policy change to address both the stubbornly high level of child poverty and help reduce racial and income disparities. Even a modest change to the Child Tax Credit will help the 50% of Black and Hispanic children who do not qualify for the full credit or even a partial credit. To move toward these goals, we recommend the following:

## Strengthen and Expand the Child Tax Credit, following policy changes similar to those in the Biden-Harris tax plan and legislation such as the American Family Act (S. 690/H.R. 1560)

Undoubtedly, the temporary improvements to the Child Tax Credit as proposed in President-elect Biden's tax plan would address near-term financial hardships for many low-income households, and we support those provisions. We very strongly endorse strengthening and expanding the Child Tax Credit and converting it into a permanent, monthly child allowance to help ensure all families, regardless of immigration status, have the vital resources to meet current financial challenges and the high and growing costs associated with raising children and supporting their healthy development. Payments delivered regularly each month to households with children would establish a steady cash benefit designed to better meet the daily and essential needs of families throughout the year. At the same time, the regular cash support would provide some financial stability to families with children to help them meet unanticipated expenses and spur the economy during the ongoing emergency and beyond. Regular delivery of assistance also offers a ready mechanism to adjust benefit levels as needed—for example, to increase payments during times of economic crisis.

Important principles for reforming the CTC include:

- Making the credit fully refundable and increasing the credit (to at least \$4,000 per child per year),
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Support for the American Family Act and improving the Child Tax Credit is high regardless of whether voters have children at home or not.

- Fathers: 70-22% (47-percentage point margin—due to rounding)
- Mothers: 77-16% (60-percentage point margin—due to rounding)
- Childless voters: 71-18% (53-percentage point margin)

## Pursue a Child Benefit Program Outside of the Tax Code

The Social Security (SS) program successfully has lifted seniors out of poverty for decades. According to the 2019 Supplemental Poverty Measure, more than 17.5 million seniors over 65 were lifted out of poverty. We could do the same for children! According to an October 2020 report from Brookings, “If we gave each child living in poverty the average Social Security benefit received by a Social Security recipient age 65 and over—that’s \$17,112 annually, according to Current Population Survey data—the rate of childhood poverty in this country would fall to less than 1 percent.”<sup>18</sup> We would encourage the Biden-Harris Administration to propose and pursue the creation of a permanent child poverty reduction program like the SS program for seniors to help address our persistently high level of child poverty and prevalent racial and income inequalities.

## Reform Application of CTC in the Territories

Support passage of H.R. 302/S. 698 led by Congresswoman Jenniffer Gonzalez-Colon (Resident Commissioner-Puerto Rico) and Sen. Bob Menendez (D-NJ), which would allow families in Puerto Rico who have fewer than three children claim the refundable portion of the CTC on the same basis as other taxpayers. Households in Puerto Rico pay federal payroll taxes, but many families are not eligible for the CTC because they have fewer than three children.

## Expand EITC for families with children and foster youth

Support passage of legislation to expand and strengthen the EITC such as improvements proposed in the Working Families Tax Relief Act (S. 1138/H.R. 3157), introduced by Sens. Sherrod Brown (D-OH), Michael Bennet (D-CO), Dick Durbin (D-IL) and Ron Wyden (D-OR), and led by Rep. Dan Kildee (D-MI) in the House. The bill would boost the EITC for families with children by increasing the maximum credit and the phase-in rate. It also would lower the eligibility age to 19 from 25, benefitting many foster youth, and prevent millions of low-wage, childless workers from being taxed into poverty. These workers are parents of adult children, non-custodial parents (who still have financial obligations to their children), and grandparents who help care for their grandchildren. According to the Supplemental Poverty Measure for 2019, refundable tax credits (EITC and CTC) reduced the poverty rate for those ages 18 and younger by nearly 5.5 percentage points.

## Support the Foster Opportunity EITC Act

Build on the successes of the EITC to bring recipients into the labor market and reduce poverty by pursuing changes to the tax code such as those in the Foster Opportunity EITC Act (H.R. 4954/S. 2790) introduced by Rep. Danny Davis (D-IL) and sponsored by Sen. Bob Casey (D-PA). The bill would improve the EITC by expanding eligibility to foster and homeless youth at age 18 (rather than age 25 under current law), even if they are full-time students.

## Support the Improved Employment Outcomes for Foster Youth Act of 2019

Support expansion of the Work Opportunity Tax Credit (WOTC) to include the hiring of qualified foster care transition youth. The WOTC permits employers hiring individuals who are members of a targeted group to claim a tax credit equal to a portion of the wages paid to those individuals. Modeled upon H.R. 2964 sponsored by Rep. Danny Davis (D-IL) and S. 1651 sponsored by Sen. Bob Casey (D-PA), the WOTC would be expanded to employers who hire “qualified foster care transition youth.”

## Expand the Child and Dependent Care Tax Credit (CDCTC)

Support significant and comprehensive improvements to the Child and Dependent Care Tax Credit (CDCTC) such as those in H.R. 1967 and S. 931, sponsored by Rep. Danny Davis (D-IL) and Sen. Bob Casey (D-PA) respectively. The bill would expand the CDCTC to make it fully refundable, increase the maximum credit rate to 50%, adjust the phaseout threshold to begin at \$120,000 rather than \$15,000, double the amount of child and dependent care expenses that are eligible for the credit, and index the credit for inflation. **This legislation is complementary to the critically important direct spending programs for child care, namely the Child Care Development Block Grant** (see Child Care and Early Learning section). The National Academy of Sciences study concludes that converting the CDCTC into a fully refundable tax credit, thus concentrating its benefits on families with the lowest income and with children under the age of five, supports parents in the workforce and helps reduce child poverty by 9.2% over 10 years.

## Create Baby Bonds

Support legislation such as the American Opportunity Accounts Act, (S. 2231/H.R. 3922) sponsored by Sen. Cory Booker (D-NJ) and Rep. Ayanna Pressley (D-MA) to establish “baby bonds.” This legislation would authorize federally funded and managed savings accounts (American Opportunity Accounts) to be established for American children who are under the age of 18. The legislation would help to give every American child a better chance at economic mobility by creating a savings account of \$1,000 at birth. The funds would grow over time as the account earns interest until age 18 and additional deposits are allowed each year depending on family income. At age 18, account holders could access the funds in the account for allowable uses such as educational expenses or to purchase a home.

## Support the Rent Relief Act

Support legislation to allow a refundable tax credit for individuals who pay rent for a principal residence that exceeds a designated percentage of the individual's gross income for the taxable year, modeled after the Rent Relief Act sponsored by Vice President-elect Harris (S. 1106/H.R. 2169) and Rep. Danny Davis (D-IL). **75% of families eligible for rental assistance in the U.S. do not receive it.** For individuals who reside in government-subsidized housing, the bill would allow a credit equal to 1/12 of the rent paid by the taxpayer (and not subsidized under the program) during the year with respect to the residence. The Department of the Treasury also would be required to establish a program for making advance payments of the credit on a monthly basis.

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# SECTION 5



## Investing in Children and Our Future: “1% for Kids”

### 1% for Kids

In FY 2020, the federal government spent just 7.48% of federal spending on children—down 9% from FY 2016.<sup>1</sup> The Trump-Pence Administration’s FY 2021 budget would have reduced this even further, to 7.31%. The Trump budget would have slashed funding on an inflation-adjusted basis for children by \$21 billion. It would have eliminated or consolidated into block grants 59 children’s programs.

In sharp contrast, the Obama-Biden Administration proposed 8.30% of federal spending on children in its FY 2017 budget. This represented a \$24 billion increase in funding for children’s programs on an inflation-adjusted basis.<sup>2</sup>

The Biden-Harris Administration must prioritize children in federal budget decisions and reverse the current downward trend, starting with its first budget request for FY 2022. To this end:

- In the FY 2022 budget, increase the children’s share of federal spending by 1 percentage point (“1% for Kids”)—from 7.31% in President Trump’s last budget to at least 8.30%.
- Reverse the downward trend of the children’s share of spending over the last four years and continue an upward spending trend that reflects the growing need for children’s programs and services.
- “1% for Kids” would require, absent other spending increases, \$50 to \$60 billion of additional spending in the FY 2022 budget, which could easily be achieved by including several of the President-elect’s campaign proposals.
- Nondefense discretionary spending levels proposed in the President’s FY 2022 budget should reflect the urgency of addressing COVID-19 and stagnant investment in children over the last four years, not arbitrary spending caps or austerity measures given the upcoming expiration of the Budget Control Act.

### Creation of a Children’s Budget by OMB

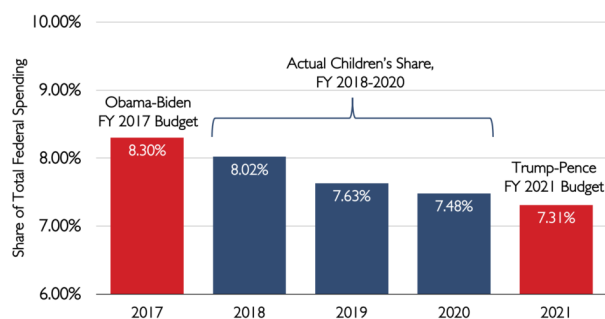
President-elect Biden has often been quoted as saying:

*Don’t tell me what you value, show me your budget, and I’ll tell you what you value.*

Sen. Bob Menendez (D-NJ) adds:

*If we as a nation value our children, then our federal budget must reflect those values.*

### Proposed Children’s Share Has Dropped Since FY 2017



Source: First Focus on Children estimate based on Office of Management and Budget data.



We wholeheartedly agree. Our budget reflects our values and unfortunately, far too often, children remain an afterthought in federal budget decisions. If we truly value our children, that must change, and one important and helpful step would be to install greater transparency in those spending decisions.

The federal government spends nearly \$5 trillion annually (absent the pandemic), a large portion of which is spent on health care, Social Security, defense, and interest on the national debt; the remaining mandatory programs and nondefense discretionary programs account for about one-quarter of federal spending.<sup>3</sup> First Focus Campaign for Children estimates that 7.48% of this spending went toward children in FY 2020.<sup>4</sup>

Currently, there exists no simple, widely agreed upon and comprehensive method or oversight process that regularly tracks federal spending on children's programs and services. These objectives are difficult to achieve given the wide array of issues unique to children that span myriad policy areas and cover dozens of agencies and bureaus. A formal tracking process would allow an accurate assessment of the overall level of investment in children and the spending trends affecting them. We recommend authorizing the Office of Management and Budget (OMB), through the Budget Review Division, to implement a comprehensive, separate accounting of the President's budget decisions affecting children including a summary of new obligational authority and outlays requested for children's programs, the share of federal spending on children, and a detailed breakdown of spending on children and children's programs by agency and initiative. This goal could be achieved with the following measures:

- Direct OMB to establish a Children's Budget, which would track and provide detailed analysis of funding streams that benefit children, similar to S.1776 introduced by Sen. Bob Menendez (D-NJ) and cosponsored by the Vice President-elect Harris and Sen. Bob Casey (D-PA). Complementary legislation (S.1780) was introduced by Senator Harris with Senators Menendez and Casey that would require CBO to track federal spending on children's programs and services.

Sen. Harris eloquently stated the importance of this budgetary action when she introduced the bill in June 2019:

*The wellbeing of our children should be our top priority as a society. Establishing greater transparency around the resources or lack thereof our government is putting into our young people is the first step to ensuring their success and prosperity. There is much work to be done to properly invest in our children, and this legislation will help ensure our spending decisions reflect this as a national priority.*

- Use the Children's Budget to inform annual budget requests for mandatory spending proposals, appropriations requests and revenue proposals.
- Determine an official share of federal spending that goes toward children and set a goal to increase that share.

OMB should seek to quantify information related to investments in children across the entire federal budget, just as it does for items such as meteorology, the Export-Import Bank, drug control policy and cybersecurity, to ensure the Administration is fully informed about the impact its budget proposals will have on our nation's children, who represent one-quarter of our population and all of our future.

## Ensure All Children are Accounted for in the 2020 Decennial Census

Two million young children were missed in the 2010 Decennial Census, more than any other age group and we are likely to see another severe undercount of children from the 2020 Census. As we know from our work in the Count All Kids Committee,<sup>5</sup> an accurate census count that includes all children means more federal money for their states and communities for schools, health care, child care, and many other programs that help children thrive. It also means local governments have better information to plan for things like the number of children in schools or how many families need health care. Our failure to account for all of our nation's children could have repercussions for the next decade, or most of a childhood, if we don't act to protect and improve 2020 Census data quality. We recommend that the Biden-Harris Administration:

- **Safeguard the 2020 Decennial Census to Ensure Accurate Data:** Halt measures being undertaken by the Trump Administration to exclude children, along with undocumented individuals and other non-voting populations, from data being used for redistricting. In addition, the U.S. Census Bureau should be granted the 120-day extensions it has requested to report apportionment and redistricting data. Extending these deadlines is necessary to ensure that children have full representation in our society.
- **Improve Data Quality on Children:** Encourage the U.S. Census Bureau to undertake efforts to supplement 2020 Decennial Census data collected on children. Much of the federal funding that goes to children is allocated based on Census data, and so steps must be taken to ensure that an undercount of children does not negatively impact the funding they receive.

- **Institutionalize a Focus on Children at the U.S. Census Bureau:** In order to ensure children are consistently prioritized in data collection and reporting, the U.S. Census Bureau should appoint a dedicated staff person to focus on children, specifically young children, to improve and coordinate data on children for all U.S. Census Bureau surveys and resources. This role should also work to increase awareness at the Bureau about how data on children is used across federal agencies and impacts outcomes on child well-being.

## Legislative Action

### Adoption of a Children's Budget (CBO)

The wide array of issues unique to children spans many policy areas, covering dozens of agencies and bureaus. As a result, there is no simple or widely agreed upon method by which we can accurately evaluate the overall level of federal investment in children. Tracking the trend of spending on children relative to other federal programs over time can be equally challenging. The Focus on Children Act (S.1780), led by the Vice President-elect, would direct the Congressional Budget Office (CBO) to submit annual, separate studies and reports to Congress that would provide detailed analysis of the diverse funding streams for children's programs across the federal government. The Focus on Children Act also would ensure that the data and spending trends identified by CBO would be available to the public and communicate a clear and comprehensive picture of the share of federal dollars benefitting America's young people. This legislation is one easy, efficient step to help policymakers evaluate where children truly stand in our national priorities. A similar measure referred to above, The Children's Budget Act (S.1776) led by Sen. Bob Menendez (D-NJ), would complement this analysis within the Office of the Management and Budget so that the administration makes budget recommendations with the full set of data it needs surrounding the impact on children.

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# SECTION 6



## Health Care: Covering All Kids

For twenty years, because of Medicaid and the Children's Health Insurance Program (CHIP), and then the added push of the Affordable Care Act (ACA), the rate of children with health coverage in this country continued to rise. Children's health coverage rates were as high as 95%. In 2017, that momentum not only slowed, it reversed, and kids began losing coverage. Through the Trump Administration's ongoing changes in regulations and state guidance, children lost access to affordable, child-centered health care, at a time when coverage is needed more than ever. From the fear imposed by the Public Charge rule to ongoing attempts to repeal the ACA and difficulty getting CHIP funded in 2017, families have lost trust in the very programs that are there to help them. Now, during a global pandemic that has affected every facet of children's lives, children are counting on the Biden-Harris Administration to turn the tide and create and renew pathways to Medicaid and CHIP so that children have the health coverage they need to grow and thrive. To accomplish this goal, we recommend:

- Reduce the number of times states can check eligibility during coverage for Medicaid and CHIP.
  - Over the last four years states have been encouraged to increase bureaucracy and red tape by making repetitive checks on a child's eligibility for Medicaid or CHIP after enrollment. Eliminate those ongoing checks and encourage and facilitate continuous coverage.
- Increase outreach and enrollment efforts within the U.S. Centers for Medicare and Medicaid Services (CMS) with directed funding going to local partners who are committed to and trained in reaching children who are under-represented in public programs, including Native American, Black, and Hispanic children.
  - Build out the Parent Mentor program already within CHIP and Medicaid to reach Black, Hispanic and Indigenous parents and encourage enrollment of their children.
- Eliminate state Medicaid waivers that reduce access to coverage including guidance that includes permission to block grant funding.
- Eliminate Medicaid waivers that establish work-requirements, reduce access to EPSDT, and contain other provisions that reduce access to care and coverage.
- Eliminate the Medicaid Access regulation that has taken away a measure of determining how many children lack access to care in states.
- Eliminate the "family glitch" ruling from the Department of Treasury, which bars an individual from qualifying for premium subsidies under the ACA if they have an offer of affordable coverage from their employer without taking into account family size and affordability. The "family glitch" currently affects up to 6 million people, many of whom are disproportionately low-income.
- Allow DACA youth to get access to Medicaid, CHIP and ACA.
  - DACA youth have long been excluded from accessing health coverage through public programs or the ACA Marketplaces. Coverage for all is essential during this time and young adults who are DACA recipients shouldn't be left out.
- If the Biden-Harris Administration were to reduce the Medicare age to 60, there are issues that arise for young adults who are enrolled in their parents' health care plans up to age 26. If parents have children under the age of 26, for example, they would be faced with the choice of enrolling in Medicare but eliminating the option for their children to remain in their private health care plan. If a parent is 40 when giving birth, their 20-year-old could lose coverage so options should be created to address this potential problem.

# COVERING ALL KIDS

We should:

- Embrace our past success;
- Build on what works;
- Fix what doesn't; and,
- Get our nation back on the path to "Covering All Kids"



## Legislative Action

During the Trump Administration, the Children's Health Insurance Program (CHIP) was allowed to expire for more than four months before it was finally extended. Families were desperately worried about the health of their children. In an Op-Ed in the *St Louis Post-Dispatch*, Myra Gregory described the threat that the CHIP funding expiration posed for her 11-year-old child Roland:

*I understand that our society is divided right now. I understand that Republicans and Democrats can have honest differences of opinion. What I cannot understand is how the U.S. Congress could make the health security of kids like Roland a guessing game, and their lives bargaining chips. Watching my baby fight for his life this past year has been agonizing. I've held him in my arms while he cries in pain, I've experienced anxiety and stress I thought I would never overcome, and I have had to have conversations with Roland's younger brothers that no child should have to have. I have always known that our situation could get worse, but I never imagined that Congress would be an obstacle in my son's battle with cancer.<sup>1</sup>*

As a senator, Vice President-elect Harris repeatedly expressed grave concern about the failure of Congress and the Trump Administration to protect the health of millions of children. She said:

*It is outrageous that protecting our children's health care hasn't been a top priority.*

*9 million children are calling on us to find a permanent fix.*

Now is the time to make covering all kids a priority. The Biden-Harris Administration could take major steps toward achieving this goal by working with Congress to:

- **Make CHIP permanent by passing the bipartisan CARING for KIDS Act (H.R. 6151, by Reps. Finkenauer and Buchanan).** This bill converts CHIP to a permanent program and would put it on the same footing as all other federal health coverage programs, none of which are subject to repeated short-term extensions and funding cliffs, while also saving money. CHIP needs permanency now, more than ever, with the ACA at risk and the country enduring this dangerous pandemic.

On the specific question of making CHIP "permanent like other federal health programs including Medicare and Medicaid," the Lake Research Partners survey found voters strongly supported it (**68–20%**). Currently, CHIP is the only federal health coverage program that is temporary and repeatedly needs to be reauthorized by Congress. Such a change would end this disparity and protect the health coverage of 10 million children.<sup>2</sup>

- **Pass continuous coverage language for Medicaid and CHIP from birth to age six, so that children always have health coverage during the most vulnerable time of their lives.** As their brains grow and develop and before they are enrolled in regular, full-time school, we need to ensure continuous health coverage for all children. The American Academy of Pediatrics (AAP) recommends babies get checkups at birth, three-to-five days after birth and then at 1, 2, 4, 6, 9, 12, 15, 18 and 24 months. Babies may receive referrals for additional assessment and treatment during or between any of these appointments. It is essential that children's primary care, referrals to specialists, or follow-up care are covered during this time in a child's development.
- **Pass the Health Equity and Accountability Act of 2020 (HEAA).** The 24 titles of HEAA address every feature of health care and its delivery system. HEAA will remove barriers to affordable health insurance coverage, promote investments in new health delivery methods and technologies, and improve research and data collection about the health needs and outcomes of diverse communities. HEAA acts as a legislative outline to reduce racial and ethnic health disparities and establish a health care system that will lead us to true health care equity for children, individuals and families.

- **Permit Families to Buy Coverage Through Medicaid, CHIP or the Federal Employee Health Benefits Program (FEHBP).** For families who are self-employed, work part-time, or work for small businesses that may not offer health benefits, these options give them the chance to provide their children with coverage that will meet their needs and be cost-effective. Allowing families to buy in to coverage through these programs will improve coverage and access to care for families who remain in the coverage gap.
- **Pass H.R. 6098, sponsored by Rep. Nanette Barragan (D-CA), which will allow states to expand CHIP financial eligibility to families up to 300% of the federal poverty level.** This will permit states to respond to the coverage needs of children in their states. Particularly during this public health pandemic, every option to cover children should be available to states.

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# SECTION 7



## Beyond Coverage: Improving the Health and Well-Being of Children

### Maternal and Infant Mortality

Approximately 700 women die in the United States each year due to pregnancy or delivery, which is a rate higher than nearly all other developed countries.<sup>1</sup> The United States has an infant mortality rate that ranks 33 out of the 36 countries in the Organization for Economic Cooperation and Development and is 1.5 times the average of those countries' rates.<sup>2</sup> The statistics are significantly worse for Black women and infants compared to their white peers.<sup>3</sup> Black women are 3.5 times more likely to die from a pregnancy or birth than white women.<sup>4</sup> Additionally, Medicaid coverage for pregnant and postpartum women varies greatly by state, and women's outcomes by state therefore also vary greatly. Fifty-five percent of mothers who were insured by Medicaid for their delivery were uninsured six months after giving birth. The decline in infant mortality rates is 50 percent greater in Medicaid expansion states versus non-expansion states, and this includes a significant reduction in racial disparities.<sup>5</sup> The uninsured rate for women of childbearing age is nearly two times higher in non-expansion states as opposed to expansion states.<sup>6</sup>

To combat these issues:

- Encourage and grant 1115 waiver requests and state plans amendments from states to extend postpartum Medicaid coverage to at least 12 months.
- Encourage states to maximize Medicaid and CHIP eligibility for pregnant women to provide increased coverage.
- Propose 12 months of continuous postpartum Medicaid coverage as part of the Administration's annual budget proposal.

### Behavioral Health

Suicide is the second-leading cause of death for children ages 10-to-19 in the United States, and only 50.6% of children ages 8-to-15 with a mental health condition received mental health services in the previous year.<sup>7</sup> The COVID-19 pandemic is exacerbating these problems. Compared to 2019, mental health-related emergency room visits increased by 24% for children ages 5-to-11 and 31% for children ages 12-to-17.<sup>8</sup> There is also a dire shortage of health professionals specializing in mental and behavioral health for children and adolescents. There are an estimated 8,700 actively practicing child and adolescent psychiatrists, well below the estimated need of 30,000.<sup>9</sup> Roughly half of lifetime cases of mental illness begin by age 14 and nearly three quarters by age 24, making early identification and intervention a key child-and-adolescent health issue. To address these issues:

- Expand loan repayment assistance programs such as the Pediatric Subspecialty Loan Repayment Program, for pediatric subspecialists, child psychiatrists, advanced practice nurses licensed or certified to provide pediatric behavioral health services, and other behavioral health clinicians with expertise in child and adolescent health.
- Expand workforce training programs like the Health Resources and Services Administration's Graduate Psychology Education Program, the Children's Hospital Graduate Medical Education Program, and the Substance Abuse and Mental Health Services Administration's Minority Fellowship Program.



- Support the Children's Mental Health Initiative, the Garrett Lee Smith Youth Suicide Prevention Program, the National Child Traumatic Stress Initiative, and Project AWARE with robust federal funding in the coming years.

## Tobacco

E-cigarettes and vaping are among the most dangerous threats facing children today. The use of e-cigarettes by youth has escalated rapidly in recent years fueled by youth attraction to flavored products, placing a new generation at risk of nicotine addiction and tobacco use. Between 2017 and 2019, e-cigarette use more than doubled among high school students (from 11.7% to 27.5%) and tripled among middle school students (from 3.3% to 10.5%).<sup>10</sup> More than 5.3 million middle and high school students used e-cigarettes in 2019, an alarming increase of more than 3 million in two years. To combat this issue:

- The FDA should issue a regulation creating a tobacco product standard that prohibits all flavored tobacco products, including menthol cigarettes and all flavored e-cigarettes, because of their impact on youth tobacco use initiation.

## Vaccines

Childhood vaccination rates were already beginning to decline, and the COVID-19 pandemic is accelerating those declines as parents keep infants and young children away from hospitals and clinics for well-child visits. After record-setting outbreaks of measles in 2019, we are now at risk of a continued downward slope in our immunization rate. The World Health Organization in 2019 deemed vaccine hesitancy one of the ten biggest threats to global health.<sup>11</sup> Efforts will be needed at the state and national levels to provide outreach, education and support to ensure that children and their families get vaccinated once there is a vaccine for COVID-19, and for Medicaid providers to maintain vaccine supplies so they can offer needed vaccines to children in a variety of settings. To address this issue:

- Increase outreach and public education on the importance of vaccines from ACF, CMS, NIH, OASH, the Surgeon General, and other HHS agencies and offices.
- Ensure adequate reimbursement in Medicaid for vaccinations administered by pediatricians and primary care providers.

## Opioids

The opioid epidemic is negatively impacting children in numerous ways. In 2017, 2.2 million children (2.8% of U.S. children) were directly impacted by opioid use. Two million of these were impacted by parental use, including living with a parent with opioid use disorder (OUD), losing a parent to an opioid-related death, having a parent in prison because of opioids, or having been removed from their homes due to opioids. Approximately 170,000 children had OUD themselves or had accidentally ingested opioids.<sup>12</sup> Opioid overdose deaths among mothers decline during pregnancy, but peak in the 7-to-12 months postpartum, which does not overlap with the current 60-day Medicaid postpartum coverage period. The COVID-19 pandemic is increasing rates of substance use that could cause more harm to children. The opioid epidemic has a lifetime societal cost of \$180 billion, through increased health costs, increased foster care placement, additional education needs and more involvement in the judicial system, in addition to the individual effects on children's lives.<sup>13</sup> To combat this issue:

- Provide support and call for sustained and significant funding for prevention and programs that help keep families together and support treatment and recovery for parents. These efforts include the Community-Based Child Abuse Prevention program within the Child Abuse Prevention and Treatment Act; the MIECHV program; Safe Baby Courts; Early Head Start and Head Start; family-centered treatment programs; and behavioral health supports for schools and educators, including Project AWARE.
- Support kinship caregivers through a national technical assistance center. Kinship caregivers are providing vital and often unsupported care for children impacted by the opioid crisis. The federal government should fund and establish an independent, nonprofit-based National Grandfamilies Technical Assistance Center to provide expertise to state programs and systems around the country that are serving grandparents and other relatives raising children. These centers would help multiple systems coordinate their efforts to ensure the needs of kinship caregiver and grandfamilies are met during national emergencies and beyond. A technical assistance center could provide help to states with model family foster home licensing standards, the National Family Caregiver Support Program, kinship navigator programs, and guardianship assistance programs.

## Legislative Action

To address these issues legislatively, we recommend:

### Maternal and Infant Mortality

- Support and pass the bipartisan Maternal Health Quality Improvement Act (H.R. 4995) and the Helping MOMS Act of 2020 (H.R. 4996). This legislation would increase access to maternity care in rural and underserved areas, help maternity care providers and hospitals implement clinically proven best practices, support state efforts to extend Medicaid coverage for women to one year postpartum, and make progress in the work needed to eliminate racial and ethnic inequities in maternal health outcomes.

### Behavioral Health

- Support and pass the Services and Trauma-informed Research of Outcomes in Neighborhood Grants for (STRONG) Support for Children Act (H.R. 8544), which would establish two new grant programs to support local public health departments in addressing trauma and ensure that programming is conveniently located and accessible to all children and families regardless of immigration status, ability to pay or prior involvement in the criminal legal system.
- Support and pass the Children's Protection Act of 2020 (H.R. 8565), which would require all proposed federal rules to undergo a childhood trauma impact study before being finalized to ensure that the health, well-being, and futures of all children in America are prioritized.
- Support and pass the Supporting Family Mental Health in CAPTA Act (S. 1160), which would improve the delivery of mental health services for children and families, connect families with needed support services, support research on effective practices to prevent child abuse and neglect, and address disparities in the child welfare system.

### Vaccines

- Support and pass the VACCINES Act of 2019 (H.R. 2862), which would increase outreach efforts to ensure children do not fall behind on immunization rates and expand research to better understand vaccine hesitancy, spread public awareness of the importance of vaccinations, and increase vaccination rates across the lifespan.

### Opioids

- Support and pass the bipartisan Maternal Health Quality Improvement Act (H.R. 4995) and the Helping MOMS Act of 2020 (H.R. 4996). This legislation would increase access to maternity care in rural and underserved areas, help maternity care providers and hospitals implement clinically proven best practices, support state efforts to extend Medicaid coverage for women to one year postpartum, and make progress in the work needed to eliminate racial and ethnic inequities in maternal health outcomes.

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# SECTION 8



## Children's Environmental Health: Restoring Safety for Our Children

Every child deserves to live in a world free from environmental hazards. With the imminent threat of climate change, it is more important than ever to take steps to protect our children. Yet for the last four years, federal policy has been going in the opposite direction, with nearly 100 environmental protection rules and regulations rolled back and many of our nation's top leaders still choosing to believe climate change does not exist. The U.S. Environmental Protection Agency is pivotal in protecting our environment and our children from the impacts of climate change, air pollution, toxins and pesticides, and environmental health disparities. We recommend the Biden-Harris Administration:

### Reenter the Paris Climate Accord

The United States exited the Accord in 2017 and it is important that we reenter this landmark agreement between nearly every nation in the world as soon as possible. The Accord will hold countries accountable to preventing the global temperature from rising by 2 degrees Celsius and to eventually achieving greenhouse gas neutrality.

### Reestablish the Children's Environmental Health Program within the Environmental Protection Agency

For the last 20 years, this partnership between the EPA and the National Institute of Environmental Health Sciences has studied how exposure to toxic chemicals and living in unhealthy environments contribute to health problems in children, providing the scientific basis for important policy decisions that protect children's health and well-being.

### Ensure Stronger Air Quality and Particulate Standards and Regulations

Exposure to air pollution can cause serious health problems to the lungs and brain and can also increase the risk of asthma attacks for children. Therefore, it is important that stricter limits are imposed on ozone emitted by factories and corporations. The current EPA wants to keep ozone limits at their current levels, even though they are obligated to lower the limits since new evidence emerged on their harmfulness. There should also be stricter regulations on the release of mercury and other toxic metals from oil and coal-fired power plants.

### Address the Dangers of Lead Exposure by Enacting Stronger Regulations

- Replace the 6 million water service lines nationwide that are made of lead.
- Lower the lead action level, as no level of lead exposure is safe for children, according to the Centers for Disease Control and Prevention.<sup>1</sup>
- Tighten standards for lead-based paint conditions in homes.

- Direct the Department of Housing and Urban Development to provide adequate and stringent oversight of the lead paint inspection program, which protects thousands of children living in subsidized housing from being exposed to lead.
- Provide funding for the Childhood Lead Prevention Program.

## Take Stronger Action to Protect Children from Toxins

- Ban chlorpyrifos, a pesticide that can stunt brain development in children.
- Regulate perchlorate, a toxic chemical found in rocket fuel that is linked to fetal and infant brain damage.
- Regulate PFAS or “forever chemicals,” a toxin used in a wide variety of household products that children are especially vulnerable to.
- Ban asbestos. Exposure can cause cancer, and it is found in many school buildings, putting millions of children at risk.

## Promote Environmental Justice

- Children of color and from low-income households are disproportionately harmed by air pollution.
- Schools in marginalized communities are more likely to be in a state of disrepair, putting low-income children and children of color at increased risk of asbestos exposure.
- Ensure that marginalized communities are benefitting from policy initiatives.

## Legislative Action

To address these issues legislatively, we recommend:

### Protect children from harmful toxins and pesticides

Children are especially vulnerable to harmful toxins and pesticides, and these chemicals can do major harm to their growth and development. Therefore, the Toxic Substance Control Act should be strengthened and other legislation should be enacted that protects children from exposure. The Protect America’s Children from Toxic Pesticides Act (S. 4406/H.R. 7940) led by Sen. Tom Udall (D-NM) and Rep. Joe Neguse (D-CO), would ban some of the most harmful pesticides and enact new regulations that ensure safe pesticide registration practices. The Get Toxic Substances Out of Schools Act of 2020 (S. 4277) led by Sen. Ed Markey (D-MA) would provide support to schools and child care centers so they can adequately address environmental problems, contaminants, hazardous substances and pollutant emissions, and protect the health of students. The Protect Children, Farmers and Farmworkers from Nerve Agent Pesticides Act of 2019 (S. 921) would ban the harmful chemical chlorpyrifos, a dangerous neurotoxin linked to brain damage in children.

### Protect children from lead exposure

Lead is an extremely dangerous toxin that can cause developmental issues in children. The Centers for Disease Control and Prevention has stated that any level of lead exposure in children is dangerous, yet there are still thousands of children exposed to lead in their drinking water and within their homes. Legislation like the Lead Free Future Act (H.R. 4416) led by Rep. Jared Golden (D-ME) and the Lead Safe Housing for Kids Act (S. 1583/H.R. 8713) led by Sen. Dick Durbin (D-IL) and Reps. Donald McEachin (D-VA) and Chuy García (D-IL) would direct the federal government to take the actions necessary to prevent lead poisoning in American homes.

### Promote environmental justice for marginalized communities

Children from low-income families and communities of color are usually at higher risk of exposure to toxic substances, pollution and the resulting negative health outcomes such as asthma and learning disabilities. The Environmental Justice for All Act (S. 4401/H.R. 5986) led by Sens. Harris, Tammy Duckworth (D-IL), and Cory Booker (D-NJ) and Reps. Raul Grijalva (D-AZ) and Donald McEachin (D-VA) would help remedy these disparities by requiring federal agencies and larger corporations to further consider the health consequences of their actions and by ensuring compliance and enforcement to reduce health disparities and improve public health in disadvantaged communities.

## Invest in programs that will help prevent climate change and subsequent health outcomes

Climate change is altering our planet at an alarming rate. Temperatures continue to rise, weather patterns are shifting to create stronger storms and longer droughts, and food- and water-borne diseases are afflicting even more people. Unfortunately, women and children will bear the brunt of the climate emergency, as they make up nearly 70% of the world's poorest populations. The Women and Climate Change Act of 2020 (H.R. 1880/S. 868) led by Rep. Barbara Lee (D-CA) and Sen. Mazie Hirono (D-HI) would protect this vulnerable population by directing federal agencies, such as the Department of State and the Centers for Disease Control and Prevention, to lead the global effort to mitigate the impacts of climate change on women and girls by developing coordinated and comprehensive strategies.

## Improve air quality control and regulation

Children are especially vulnerable to toxic air pollution due to their developing lungs. Exposure to air pollution can lead to health problems, such as asthma, decreased lung function, and worsened cognitive functioning. The Clean Air Sharp Minds Act (S. 3364/H.R. 6025) led by Sen. Cory Booker (D-NJ) and Rep. Katherine Clark (D-MA) would work to improve the air quality in schools so that children can thrive while learning. The Public Health Air Quality Act of 2020 (S. 4369/H.R. 7822) led by Sen. Tammy Duckworth (D-IL) and Rep. Lisa Blunt Rochester (D-DE) would require the Environmental Protection Agency to implement fence-line monitoring for air pollutants at facilities that contribute to high local negative health outcomes, especially in marginalized communities.

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# SECTION 9



## Making Early Childhood and Investing in Our Youngest Citizens a First Priority

### Child Care and Early Learning

Child care and early learning programs are among the worthiest and most commonsense investments that we can make as a country, helping to equalize opportunities for our children. The settings that our children spend their days in matter for improved outcomes in health, well-being, education, economic stability and reduced involvement in the criminal justice system.<sup>1</sup> Families need high-quality, accessible, and affordable programs for their children so that they can work or attend school. And child care providers are employers themselves: More than 2 million people work in child care in this country.<sup>2</sup> This was all true before the COVID-19 pandemic, but the realization and understanding of the importance of early learning programs is even greater now.

### Most American families cannot afford child care

A single-parent household spends 36% of its income on child care. Child care fees for two children in a child care center exceed annual median rent payments in every single state.<sup>3</sup> And child care workers, the vast majority of whom are women and disproportionately, women of color and immigrants, are some of the most undervalued and underpaid in our country. In 2017, child care workers earned less than two-thirds of the median wage for all occupations in their states.<sup>4</sup> And 46% of early childhood professionals rely on one or more public support programs annually.<sup>5</sup> It is unacceptable that professionals we expect so much of are valued so little.

Combining high-quality, access, affordability and a well-supported workforce will allow our child care system to provide the care, education and economic stability we need for the success of our children and the national economy. Child care is a backbone of our economy, as essential to the functioning of our economy as roads and bridges. It needs an investment that reflects its true value as a public good. We recommend that the Biden-Harris Administration:

- Reestablish the Office of Early Childhood Development between HHS, ED and other relevant agencies.
- Increase staffing of the Office of Child Care, the Office of Head Start, and the Office of Early Childhood Development.
- Issue an Executive Order to all relevant agencies on child care and early learning within the first month of 2021 to task all relevant agencies with identifying administrative changes or new administrative actions within 90 days of the EO's announcement. This will signal a commitment to stabilizing child care programs, improving job quality for educators, and supporting families' diverse child care and early learning needs, while simultaneously working to secure funding through Congress to achieve these goals. Agencies should propose concrete administrative actions and changes in response to this EO that meet the following goals: help build the research base, gather important data, and identify best practices; advance gender and racial equity; provide meaningful engagement and consultation of people directly impacted; and prioritize the needs of historically marginalized and under-resourced communities.



- Issue a Child Care and Development Block Grant program instruction outlining how states and tribes could determine a living wage, compensation and adequate benefits for child care workers in their state or tribe. This could include addressing the rate structure a state uses to set pay for providers, such as encouraging states to use 100% of the market rate found in surveys.

## The Maternal, Infant, and Early Childhood Home Visiting (MIECHV) Program

MIECHV is a federal grant program to states, territories and tribes that supports evidence-based early childhood home visiting for families with children prenatal through kindergarten entry. Home visitors are a critical link of support for families who are facing a variety of challenges due to cyclical poverty, structural racism, inter-generational abuse, addiction and other causes. The MIECHV program benchmarks outcomes in six areas critical to strengthening at-risk families: improved maternal and newborn health; prevention of child injuries, abuse, neglect, maltreatment and reduction of emergency department visits; improvement in school readiness and achievement; reduction in crime or domestic violence; improvements in family economic self-sufficiency; and improvements in the coordination and referrals for other community resources and supports. These supports are even more vitally necessary during the COVID-19 pandemic. We recommend that the Biden-Harris Administration:

### Include home visiting in maternal and infant mortality initiatives

Proper prenatal care, early maternal support, and planning to care for a new baby are essential to healthy births and positive maternal and infant outcomes. Home visiting programs can help reduce maternal mortality and severe morbidity by fostering human-to-human relationships that enable home visitors to provide supports based on the very specific needs of each family; promoting interventions to reduce pregnancy-induced hypertensive disorders and pre-term birth; creating connections between mothers and health practitioners in the community; providing screening for perinatal depression and connecting mothers in need with appropriate community-based behavioral health care; providing referrals for mothers when certain risk factors, including trauma or domestic violence, are present in the home; providing resources to children who experience trauma and toxic stress; and, targeting the social determinants of health affecting families, such as social support, parental stress, access to health care, income and poverty status, and environmental conditions. Home visiting should be included in any initiatives the Administration takes to reduce rates of maternal and infant mortality.

## Legislative Action

**To address child care issues legislatively, we recommend** support and passage of legislation that includes the following principles, some of which are contained in the Child Care for Working Families Act (H.R. 1364/S. 568), the Child Care is Essential Act (H.R. 7027/S. 3874), and the Child Care for Economic Recovery Act (H.R. 7327):

- Assurance of direct assistance for all eligible families
- Increased resources for underserved and historically marginalized communities
- Universal access to high-quality preschool programs for all 3- and 4-year-old children
- A ceiling on what portion of their income low-income families pay for care
- Assurance of a living wage and benefits to early childhood professionals, coupled with a pathway to higher wages equivalent to similarly qualified K-12 educators
- Assurance of easy access to high-quality professional development and training for early childhood professionals
- Elimination of barriers to joining a professional organization and accessing the collective bargaining power of a union
- Prioritization of stakeholder engagement in system design and implementation
- Funding supports to help all providers offer high-quality care, using a definition of quality that is equitable, inclusive, and culturally affirming
- Services for children from infants up to age 13 and care for children with disabilities above that age
- Mixed delivery settings that meet families' diverse needs and preferences
- Simplified systems that allow families to access assistance easily and conveniently, with intentional outreach to communities to make them aware of assistance and their options

**To address MIECHV issues legislatively, we recommend:** Reauthorize the MIECHV program.

- Enacted in 2010 as part of the Affordable Care Act, MIECHV has been funded at \$400 million annually since 2013. Based on pre-pandemic estimates, this funding reaches 3% to 5% of eligible families each year. To reach more eligible families and meet anticipated increased need brought on by the COVID-19 pandemic, we recommend scaling up MIECHV over the next five years with increases of \$200 million annually, for a total authorization of \$1.4 billion.

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# SECTION 10



## Investing in the Future of All Children: Education Equity and Supports

*We're going to make sure that every child, every school, and every educator has what they need to thrive regardless of where they live or where they come from.*

– Dr. Jill Biden

First Focus Campaign for Children has the following recommendations for education:

### Children with Disabilities

- **Triple Title I funding and fully fund IDEA.** In 1975, Congress committed to funding 40% of the education of children with disabilities through IDEA. Now, the federal government pays less than half of what it originally promised then.<sup>1</sup> President-elect Biden said that it is “against the interest of the country that we don’t spend the money we committed to do, to give children who come to school with some disabilities, to be able to learn as much as they’re capable of learning.” Follow through with the commitment to triple IDEA funding and cover a minimum of 50% of the per-pupil costs of the 7.1 million students<sup>2</sup> with disabilities supported by IDEA.

### Testing

- Education Secretary Betsy DeVos pushed to enforce high-stakes testing in the midst of the pandemic, a move that would hurt students and teachers alike. **Suspend federal testing requirements for this year** while re-evaluating the efficacy of these tests going forward.
- **End high-stakes testing; opt for effective data to guide student instruction.** The federal government should support educators to find new and effective practices for teaching students and support the practices that are effective.
- **Data and standards must be informed by local circumstances and local stakeholders.** High-stakes testing restricts and pushes out effective educators and undercuts many students’ possibilities for success.

### Universal pre-K and child care

- **Ensure universal pre-K and early childhood education (ECE).**

## Social emotional learning

- **Provide free, year-round, universal school meals**—breakfast, lunch and snacks—and continue and expand EBT benefits through the summer. Increase funding to the Farm-to-School Grant Program.
- **Address the teacher shortage.** Over the past few decades, the teacher pay gap—that is, the gap between teacher salaries and those of comparable jobs requiring a college degree—has steadily increased, growing to 19%.<sup>3</sup> As the National Education Association points out, “pay erosion and the marginalization of the education profession have created a growing shortage of educators.” At the same time, private schools and for-profit charter systems are able to contribute to teacher shortages by poaching educators with higher wages and better working conditions. With that in mind, President-elect Biden’s call to “understand that it is overwhelmingly in our best interest that we pay teachers fairly” rings true.
- **Institute a minimum annual teaching wage of \$60,000** and allocate funding so that teachers are not forced to use their own money to provide classroom materials. Oppose anti-union and anti-worker efforts, such as so-called “right to work” laws,<sup>4</sup> and support collective bargaining in school settings.

## Funding for Equity

- Bolster the Strength in Diversity Act, which awards grants to eliminate segregation and support diversity in our institutions.
- Appoint judges and agency leaders who commit to fighting for equity and desegregation within public schools, as well as fight for the right to public education and against the siphoning of public funds into for-profit charter and private schools.
- Reverse attacks carried out by Secretary DeVos on the Department of Education’s Office of Civil Rights by increasing funding and ensuring that cases are dealt with using appropriate gravity. Remove procedures that “dismiss civil rights cases in the name of efficiency.”<sup>5,6</sup>
- Reduce class sizes.
- Incentivize transportation that supports school integration and penalize localities that uphold segregation.
- Ensure English Language Learners are provided sufficient instruction, through Title I, Part A.

## Community Schools

- **Support community schools** and efforts to increase the systemic power of community stakeholders, students and teachers in decision making. Community schools provide complete health and support services, a site for youth and community organizing, and are effective at implementing Career Technical Education (CTE) and college readiness for students. Community schools, and schools in general, should be a public good. **Aim to have 25,000 community schools by 2025.**

## Infrastructure and modernization

- Improve infrastructure in and around schools.<sup>7</sup> Fully fund schools so teachers are not forced to provide material for students using their own money. Ensure that all students and all schools have access to reliable WiFi and WiFi-compatible devices. **Reconsider E-Rate and permit Treasury funds be used to support internet access** for students and families. **Internet connectivity and broadband should be public goods.**

## Legislative Action

To best meet our children’s educational needs, First Focus Campaign for Children recommends support and passage of the following legislation:

- **Universal School Meals Program Act (S. 2609/H.R. 4684).** Establishes universal free school meals—breakfast, lunch and snacks.
- **Full-Service Community Schools Expansion Act (S. 4865).** From the bill: “Invest \$3.65 billion over the next five years to plan, implement, expand, and support full-service community schools serving low-income students.” Supports existing community schools through renewable grants, eliminates silo-ing between state-level decision-makers and local educational agencies (LEAs). Prioritizes trauma-informed and restorative practices within schools.
- **Counseling Not Criminalization Act (S. 4360/H.R. 7848).** Makes schools police-free and replaces Student Resource Officers (SROs) with counselors and social workers. Decriminalize school truancy.

- **Safe Schools Improvement Act of 2019 (S. 2548/H.R. 2653).** Makes schools a safe space for students within them. Takes action to mitigate bullying and harassment.
- **Student Non-Discrimination Act (S. 2584/H.R. 5374).** Bans all discrimination in federally funded programs against kids regardless of race, gender or sexual orientation.
- **Educating for Democracy Act of 2020 (H.R. 8295).** Supports civic engagement and youth organizing in and out of schools.

Vice President-elect Harris wrote:

*Every single day that educators go to work in underfunded schools and without decent pay is another day we are shortchanging our children and our nation's future. I stand with them as they fight for better pay and a stronger education system.*

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# SECTION 11



## Ending Child Hunger and Improving Child Nutrition

Before COVID-19, 11.2 million children lived in a food-insecure household.<sup>1</sup> The public health and economic crises have only exacerbated the problem, leaving nearly 14 million children without enough to eat.<sup>2</sup> Food insecurity—which in turn leads to poor nutrition—has been shown to directly influence health and well-being throughout a child's life.<sup>3</sup> Food insecurity is specifically associated with poorer physical and mental health, lower school performance and diminished psychosocial functioning. To address these issues:

### Strengthen School and Summer Nutrition Programs

- Restore healthy school meal nutrition standards that were rolled back.

### Halt Proposed Rule “Simplifying Meal Service and Monitoring Requirements in the National School Lunch and School Breakfast Programs” (which will impact the nutritional quality of school meals)<sup>4</sup>

- Reduce the area eligibility requirement for afterschool and summer nutrition programs, which currently requires 50% of children to be low-income, as it misses too many children, especially in rural and suburban areas.
- Expand direct certification for school meals through Medicaid to ensure access for low-income children.

### Strengthen the Supplemental Nutrition Assistance Program (SNAP)/Food Stamps

- Halt proposed rule “Standardization of State Heating and Cooling Standard Utility Allowances in SNAP,”<sup>5</sup> which would result in thousands of children losing SNAP benefits.
- Halt proposed rule “Revision of Categorical Eligibility in the Supplemental Nutrition Assistance Program;” it is important that broad-based categorical eligibility is an effective option for states.<sup>6</sup>
- Rescind any other rules that would limit, cease or weaken SNAP benefits, such as work requirements.
- Bring the Economic Research Service back to Washington and allow it to have autonomy from the Agriculture Secretary's office.
- Increase SNAP maximum and minimum benefit levels.
  - SNAP is an incredibly important anti-poverty measure and is the first line of defense against food insecurity among children. According to the National Academy of Sciences landmark study *A Roadmap to Reducing Child Poverty*, increasing benefit allotments for teenagers, increasing SNAP benefits for school-aged children in the summer, and increasing overall benefits for households with children by at least 20% would reduce the child poverty rate by 1.7 percentage points, and would also improve child health, food security and nutrition.<sup>7</sup>
- Prioritize child nutrition reauthorization, as there is a narrow window to advance a meaningful child nutrition bill.



## Strengthen and Modernize the Women, Infants and Children (WIC) program

- Continue administrative flexibilities that have allowed WIC programs to adapt to remote or modified services and provide a broader array of food options for WIC shoppers during the COVID-19 pandemic.
- Assure adequate funding through the President's Budget.

## Legislative Action

First Focus Campaign for Children recommends the following legislative action:

### Increase access to high-quality child nutrition programs year-round

Legislation should address “meal gaps” wherein children who rely on free or reduced-price school meals for nourishment during the school day struggle to get enough to eat during the summer, weekends and extended holidays. The Child Summer Hunger Act of 2019 (S. 1941), led by Sen. Patty Murray (D-WA) and the Hunger-Free Summer for Kids Act of 2019 (S. 1918), led by Sens. John Boozman (R-AZ) and Patrick Leahy (D-VT) will help to address such meal gaps during the summer break. Legislation should also invest in the capacity of educational institutions to serve healthy meals. The School Food Modernization Act (S. 1949/H.R. 3444), led by Sen. Susan Collins (R-ME) and Rep. Mark DeSaulnier (D-CA) will help schools serve healthier meals to students by establishing a grant, loan guarantee, and technical assistance program.

### Strengthen and modernize the Special Supplemental Nutrition Program for Women, Infants, and Children (WIC)

The WIC program is very important for providing healthy food and quality nutrition services and breastfeeding support for expectant mothers and young children. To ensure the program is able to effectively serve its more than 6 million participants, legislation should be enacted that strengthens and supports WIC. The Wise Investment in Children (WIC) Act of 2020 (S. 2358/H.R. 6811), led by Sens. Bob Casey (D-PA) and Susan Collins (R-ME) and Rep. Rosa DeLauro (D-CT) would extend postpartum WIC eligibility for two years, extend WIC eligibility for children from age 5 to age 6, extend the WIC certification periods to two years, and support the transition to an electronic benefits service delivery.

### Strengthen and protect the Supplemental Nutrition Assistance Program (SNAP) Program

The SNAP program is the first line of defense against child food insecurity, and has lifted millions of children out of poverty. Changes to the SNAP program should reflect the needs of low-income families, and benefit levels should increase as food prices increase. The Closing the Meal Gap Act (S. 3719/H.R. 1368) led by Sen. Harris and Rep. Alma Adams (D-NC) would help to strengthen and support the SNAP program by increasing minimum SNAP benefit levels and requiring benefits to be calculated using the value of a low-cost food plan. The legislation would also eliminate unnecessary and harmful work requirements and allow the U.S. territories to participate in SNAP instead of receiving block grants.

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# SECTION 12



## Ending Child and Youth Homelessness

Even before the outbreak of COVID-19, child, youth and family homelessness was skyrocketing. In the United States, more than 1.5 million students experienced homelessness in the 2017-2018 school year, representing a 10% increase from the previous year.<sup>1</sup> COVID-19 is exacerbating this problem, both by putting additional children and youth at risk of homelessness, and by increasing threats to the safety and well-being of children and youth currently experiencing homelessness. To address this issue:

### Extend and improve upon the CDC nationwide eviction moratorium

The Centers for Disease Control moratorium, which expires December 31, 2020, should not only be extended, but should be amended to become automatic and universal. Specific improvements to the moratorium should include: Removing the affidavit requirement for renters; specifying that families who are living in hotel and motel rooms are eligible for protection; freezing all existing eviction orders; and eliminating all late fees for back rent owed. In order to prevent a wave of evictions after the expiration of the moratorium, it should be accompanied by increased rental assistance and additional funding for civil legal services to assist families with housing disputes.

### Instruct the U.S. Department of Housing and Urban Development (HUD) to waive any regulations or practices that restrict access to homelessness assistance for children, youth and families experiencing homelessness by applying the definition used by the U.S. Department of Education

Homeless families with children, and youth who are on their own, stay wherever they can. These situations often include run-down motel rooms or overcrowded spaces temporarily shared with others because there is no family or youth shelter in the community, shelters are full, or shelter policies exclude them. These less visible forms of homelessness mean that children and youth are often invisible to public systems, putting them at high risk of abuse and harm, including trafficking. Yet due to HUD's narrow definition of homelessness, these highly vulnerable children and youth are ineligible for HUD homelessness assistance, denying them access to critical support and putting them at higher risk for experiencing homelessness as adults.

### Create an Office of Family and Youth Homelessness within the Administration for Children and Families at the U.S. Department of Health and Human Services

This office is needed to coordinate intra-agency efforts between the Office of Head Start, the Office of Child Care, the Office of Family Assistance, the Family and Youth Services Bureau, the Children's Bureau, and the Maternal and Child Health Bureau (MCHB). Each of these offices should designate a point of contact with specific responsibilities for homelessness outreach, oversight and coordination. The new Office of Family and Youth Homelessness would coordinate efforts closely with appropriate offices at the U.S. Department of Education.

## Withdraw the proposed rule FR-6124-P-01, RIN 2501-AD89, “Housing and Community Development Act of 1980: Verification of Eligible Status”

If implemented, this would prohibit mixed-status families from living in subsidized housing and as a result, put tens of thousands of children at risk of homelessness with detrimental effects to healthy child development and our nation's economy. Children represent more than half of the population that will be harmed by this rule. Eliminating the ability of mixed-status families to receive housing assistance will put 25,000 households with 55,000 children at-risk of homelessness.

## Legislative Action

To address rising child and youth homelessness, First Focus Campaign for Children recommends support and passage of the following legislation:

### Emergency Family Stabilization Act (S. 3923/H.R. 7950)

Led by Sens. Joe Manchin (D-WV), Lisa Murkowski (R-AK), Kyrsten Sinema (D-AZ), and Susan Collins (R-ME), and Reps. John Yarmuth (D-KY) and Danny Davis (D-IL)

Many children, youth, and families experiencing homelessness were left out of assistance provided in the Coronavirus Aid, Relief, and Economic Security (CARES) Act, despite the fact that homeless situations make social distancing and distance learning extremely difficult. The bicameral, bipartisan Emergency Family Stabilization Act would provide flexible funding for community-based organizations to meet the unique needs of children, youth and families experiencing homelessness (as defined by the education subtitle of the McKinney-Vento Act). This funding could be used for shelter and housing needs, including motel vouchers, as well as health and safety needs, including hygiene needs and mental health services.

### Homeless Children and Youth Act (H.R. 2001)

Led by Reps. Steve Stivers (R-OH) and Dave Loebsack (D-IA)

Homeless families with children, and youth who are on their own, stay wherever they can. These situations often include run-down motel rooms or overcrowded spaces temporarily shared with others because there is no family or youth shelter in the community, shelters are full, or shelter policies exclude them. Yet despite the vulnerability of children and youth in these situations, they are often ineligible for homeless assistance administered by HUD. The bipartisan Homeless Children and Youth Act (H.R. 2001) would remove barriers that communities face in addressing family, child and youth homelessness as a result of HUD's narrow definition of homelessness and would give them the flexibility to tailor homeless assistance interventions to the unique needs of their homeless population.

Communities would have the discretion to target services based on local assessment of need, and to serve the most vulnerable homeless children, youth and families, regardless of what form of homelessness they are experiencing. This approach would increase visibility and awareness of child, youth, young adult and family homelessness through increased data transparency; more accurate counts; and collaboration with early childhood programs, institutions of higher education, and local educational agencies, thus helping communities leverage and attract more public and private resources to address homelessness. We are grateful for Sen. Harris's support of this bill in the 115th Congress.

### Eviction Crisis Act (S. 3030)

Led by Sen. Michael Bennet (D-CO) and Sen. Rob Portman (R-OH)

Even before the pandemic, millions of households were at risk of eviction, and families with children are evicted at much higher rates than those without children. Children who experience eviction often face high rates of mobility and unstable living environments that have negative consequences for their education, physical health, mental health and interpersonal relationships.<sup>3</sup> Civil legal services and eviction prevention programs help keep children and families in their homes and protect them from the negative effects of being evicted. Yet most low-income families lack access to these services. The bipartisan Eviction Crisis Act would increase funding for the Legal Services Corporation so more renters could access civil legal services for housing disputes. The legislation would also improve data on evictions in the United States, expand access to landlord-tenant community courts, and establish an emergency assistance fund for renters at risk of eviction.

## Family Stability and Opportunity Vouchers Act (S. 3083)

Led by Sens. Todd Young (R-IN) and Chris Van Hollen (D-MD)

Studies have shown that housing instability and homelessness have long-term adverse physiological, academic and economic effects on children who experience them. Housing instability, which includes situations such as being behind on rent and making multiple moves, is associated with an increased risk of poor child health, including hospitalizations, and of maternal depression.<sup>4</sup> Yet despite the great need for housing assistance in the United States, only 1-in-4 families who are eligible for rent assistance in the United States receive it. In addition, families with children are a decreasing share of federal housing assistance beneficiaries<sup>5</sup> even though the majority of households on the waiting list for housing assistance (60%) are families with children.<sup>6</sup> The bipartisan Family Stability and Opportunity Vouchers Act would create an additional 500,000 housing vouchers over five years for families with young children and pregnant women experiencing homelessness or housing instability. This includes some of the most vulnerable homeless children who are living in motels or doubled-up with others because they have nowhere to go. In addition to rent assistance, families would also receive services to help them move to high-opportunity neighborhoods, including landlord outreach and counseling.

## Runaway and Homeless Youth & Trafficking Prevention Act (S. 2916/H.R. 5191)

Led by Sens. Patrick Leahy (D-VT) and Susan Collins (R-ME), and Reps. John Yarmuth (D-KY) and Don Bacon (R-NE)

At least 1-in-30 adolescents ages 13-to-17 and nearly 1-in-10 young adults ages 18-to-24 experience homelessness on their own, and this number has only increased due to the outbreak of COVID-19.<sup>7</sup> Homelessness puts youth, especially those who are unsheltered, at great risk for trafficking and exploitation. The bipartisan Runaway and Homeless Youth & Trafficking Prevention Act would make much needed reforms to Runaway and Homeless Youth Act programs, such as strengthening prevention efforts offered by the Street Outreach and Basic Center programs, enabling Basic Center programs to serve youth for 30 days, allowing Transitional Living Programs to serve youth through age 24, and ensuring trafficking is prevented and victims are served through outreach, identification, prevention, referrals and reporting.

1. National Center for Homeless Education, "Federal Data Summary: School Years 2015-2016 through 2017-2018 Education for Homeless Children and Youth," January 2020, <https://nche.ed.gov/wp-content/uploads/2020/01/Federal-Data-Summary-SY-15-16-to-17-18-Published-1.30.2020.pdf>.
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3. Desmond, Matthew, An Weihau, Richelle Winkler, and Thomas Ferriss. "Evicting Children," *Social Forces* 92, no. 1, September 2013, [https://scholar.harvard.edu/files/mdesmond/files/social\\_forces-2013-desmond-303-27.pdf](https://scholar.harvard.edu/files/mdesmond/files/social_forces-2013-desmond-303-27.pdf).
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# SECTION 13



## Child Abuse: Protecting Our Children from Harm

The child welfare system is ripe for transformation, but courageous, compassionate, and competent leadership from the Biden-Harris Administration is necessary to turn a system that too often compounds trauma into a system that protects children while also helping families and communities heal. After experiencing abuse, neglect, homelessness, or exposure to drugs or violence, nearly a half-million children live in foster care limbo at an annual cost of over \$25 billion. The lucky ones are placed in a foster home where their caregiver is a relative and typically return home after about a year. But for many other children and young people, their stay in foster care is long, riddled with more traumatic experiences, or repeated. Children and youth of color are particularly impacted as decades of systemic inequities have placed them at an increased risk of being removed from their parents and having prolonged stays in foster care.

During his campaign, President-elect Biden promised that “If I have the honor of being elected president, I will take care of your family like I would my own.” The children and families involved with the child welfare system are depending on this Administration to live up to this promise. The child welfare system needs leadership that protects children and honors family unity. It needs leadership to overcome the three prominent challenges that were necessitating the child welfare system’s evolution even prior to the COVID-19 pandemic: the opioid crisis, the placement shortage, and racial and ethnicity disproportionality. Now more than ever, leadership is needed that focuses on prevention, equity and accountability to outcomes. To achieve these outcomes, we recommend:

### Short-Term Executive and Regulatory Actions

- **Provide best practices for promoting child safety and family unity during COVID-19:** While state and child welfare agencies have a long-standing obligation to conduct reasonable and active efforts to prevent removing children from their families and to work toward reunification, COVID-19 has posed challenges to these efforts. As a result, parents and children are spending more time apart than before the pandemic and foster parents aren’t getting the break that child-parent visits used to provide. Disseminating best practices relating to removals, visitation, and reunification efforts during the pandemic would help state agencies overcome obstacles to keeping children safe and with their families.
- **Partner with contractors that do not discriminate:** Executive leadership is needed to make sure that discriminatory actions are not rewarded. Shortly after being sworn in, we hope the Biden-Harris Administration will forbid HHS and other executive agencies from awarding contracts or grants to adoption or foster care organizations that discriminate based on sexual orientation, gender identity, marital status or religion.
- **Promote prevention:** The Family First Prevention Services Act encourages states to prevent children and youth from coming into foster care by providing families mental health, substance abuse, in-home parenting skills, and kinship navigator services. The Act allows states to claim federal reimbursement for eligible costs of evidence-supported prevention services that are found on the Title IV-E Prevention Services Clearinghouse.<sup>1</sup> Currently there are 27 programs and services on the Clearinghouse, and another 27 programs and services are slated for systemic review.<sup>2</sup> The Administration can provide resources to facilitate the timely review of prevention services by the Title IV-E Clearinghouse, thereby expanding the prevention services that will be available.



- **Clarify the ASFA Guidelines' Public Health Emergency Exception:** During the pandemic many parents and caregivers have been unable to participate in the services necessary to complete the case plans for reunification. Time guidelines in the Adoption and Safe Families Act all but require states to motion for the termination of parental rights after a child has been in foster care for 15 of the prior 22 months, but an exception exists for public health emergencies. The Administration should provide guidance on whether the COVID-19 pandemic qualifies as a public health emergency exception under the Adoption and Safe Families Act time guidelines.
- **Establish guidance for deciding whether to send kids to school during the pandemic:** While the Constitution is clear that parents retain education decision-making power while their children are in foster care, COVID-19 has generated a new set of factors for parents and foster parents to consider while working together to ensure a child's health and education. Like all parents, foster parents and parents of children in the foster care system are stressed about the possibility of children contracting COVID-19 at school and contributing to the spread of the virus. It would be helpful for the Administration to compile an evidenced-based guide for making the best decision for children given personal, familial and community factors.
- **Lead on virtual learning and education neglect:** The unprecedented drop in school enrollment this past fall<sup>3</sup> has caused school social workers to become investigators that connect the students to school and community services.
- **Issue a presidential proclaim on racism and child welfare:** A critical first step to building an equitable child welfare system needs to be an acknowledgment of the historic and systemic racism in the child welfare system. A presidential proclamation would provide an authoritative perspective on the causes of the devastating racial inequities that have plagued the child welfare system and the children and families it serves.
- **Withdraw HHS' nondiscrimination waiver to South Carolina:** The Department of Health and Human Services issued a waiver to South Carolina's state child welfare agency so it could contract with private, faith-based foster care agencies that refuse to license individuals who don't agree with the agencies' religious beliefs. This will allow the faith-based organizations to refuse to serve non-Christians.
- **Collect Ethnic and SOGIE Data:** The prior administration loosened requirements around collecting ethnic and sexual orientation, gender identity and expression data among children in foster care. We are relying on the Biden-Harris Administration to restore the 2016 final rule on the Adoption and Foster Care Analysis and Reporting System (AFCARS) and require data collection on Native and LGBTQ youth in foster care, two communities of children that especially require competent casework practice.
- **Help states address the opioid crisis:** Even before the COVID-19 pandemic, the child welfare system was struggling to address the opioid crisis. The Children's Bureau should support states to leverage opioid settlement funds to support system-involved children and families impacted by the opioid crisis.

## Long-Term Executive and Regulatory Action

- Provide guidance on "reasonable efforts to prevent removal" and reasonable efforts toward the permanency goal.
- Issue joint-guidance with ACF and the U.S. Centers for Medicare and Medicaid Services (CMS) on coordinating, financing and delivering family-first prevention services.
- Establish an Office of Diversity, Equity and Inclusion in ACF.
- Listen to the leaders who experienced the child welfare system as children.
- Modify the Executive Order on Strengthening the Child Welfare System for America's Children.
- Address the placement crisis.
- Provide administrative leadership in reimagining child welfare work.



## Legislative Action

To reform and bolster our child welfare system, we recommend the following legislative action:

### COVID-19-Related Legislative Provisions

- **Reintroduce Child Welfare Emergency Assistance Act (S. 4172)**
- **Reintroduce Supporting Foster Youth and Families through the Pandemic Act (H.R. 7947)**
- **Reintroduce Dosha Joi Immediate Coverage for Former Foster Youth Act (H.R. 6959)**
- **Provide best practices for promoting child safety and family unity during COVID-19:** While state and child welfare agencies have a long-standing obligation to conduct reasonable and active efforts to prevent removing children from their families and to work toward reunification, COVID-19 has posed challenges to these efforts. As a result, parents and children are spending more time apart than before the pandemic and foster parents aren't getting the break that child-parent visits used to provide. Disseminating best practices relating to removals, visitation, and reunification efforts during the pandemic would help state agencies overcome obstacles to keeping children safe and with their families.
- **Increase flexibility of funds:** By allowing agencies to expand the use of child abuse prevention funds and enlarging the duration and eligibility of Chafee Foster Youth to Independence services Congress can ensure that agencies can flex to keep children out of foster care and meet the dynamic needs of youth as they transition to adulthood during the COVID-19 pandemic and recovery period. Additionally, states should have the ability to draw down Title IV-E funds for youth until they reach age 22.
- **Automatic Extended Foster Care:** During the pandemic and for up to 4 months afterwards, there should be a nationwide moratorium on discharging youth between the ages of 18 and 21 from foster care unless the youth petitions the family court to be discharged.
- **\$500 million for Chafee Foster Care Independence Program:** During the pandemic, older youth and young people in foster care have lost housing, jobs and child care. Increasing Chafee funds will help young people in foster care meet their immediate needs such as safe housing, food, transportation and child care costs.
- **\$1 billion for MaryLee Allen Promoting Safe and Stable Families Program (Title IV-B part 2):** This funding will be crucial to ensuring the health and safety of child welfare workers and the families they serve by providing COVID-19 testing and PPE supplies that can be used during home visits, investigations or visits with children in their foster care placements.
- **\$1 billion for Community-Based Child Abuse Prevention Grants (Title II of CAPTA):** While the number of calls to child abuse and neglect hotlines dropped nearly in half during the early months of the pandemic, recent data suggest that child abuse and neglect remains at, or exceeds, pre-pandemic levels. Congress should increase funds for community-based child abuse prevention programming. These funds could be used to incentivize states to maintain key prevention services and issue new public service announcements that contain child abuse prevention tips for caregivers.
- **Allow States to Use Federal Child Welfare Funding to Create, Operate, and Publicize an Independent Foster Youth Ombudsman:** The headline-grabbing details of assaults and fatalities that babies, children and youth in foster care have endured during the pandemic demonstrate the unquestionable need for every foster youth to have access to an individual/agency that independently will hear them, listen to them, and act to promote their safety, well-being and permanency.
- **Modify the Family First Prevention Services Act to Sustain a Commitment to Prevention and Help Keep Children Safe and Out of Foster Care:** Congress should apply the FMAP increase to prevention funding now; remove the state match requirement for one year to Title IV-E prevention services; expand the scope of allowable prevention services to include evidence-based services that prevent or mitigate the effects of domestic violence, economic insecurity, and challenges facing children of incarcerated or re-entering parents; and extend for one year the option for states to claim transitional payments for services and associated costs under the Title IV-E prevention program.
- **Support Kinship Caregivers and Foster Parents:** The adults who have stepped up to care for children while they are in foster care have also been hit hard by the pandemic. Job loss and the increased costs for utilities and food are straining kinship caregivers and foster parents alike. Increasing flexibility and funding to reimburse these caregivers will promote the health, education and stability of the children in their care.

## Ensuring Racial Equity in Child Welfare Outcomes

- Reintroduce Native American Child Protection Act (H.R. 4957).
- Incentivize states to forbid neglect findings based solely on poverty.
- Allow families to enforce reasonable effort requirements.
- Assess and address disparities caused by the implementation of the Multiethnic Placement Act (MEPA).
- Inform and assist states in using Title IV-E funds for parental legal representation prior to initial hearing.
- Support the development of family-based residential substance abuse treatment.
- Provide technical assistance for racial and ethnic data collection and disaggregation.
- Provide model equity policies for maintaining and clearing state child abuse registries.

## Immediate and Long-Term Legislative Priorities

- Increase support to tribal agencies.
- Amend the Multiethnic Placement Act (MEPA) to minimize racial identity harm to children of color.
- Create accountability for a trauma-informed child welfare response to runaway youth and prevention of sex exploitation of youth in care.
- Support multidisciplinary interagency efforts to prevent sex-trafficking and sex abuse.
- Invest in intensive long-term prevention services that are community based but governmentally supported for infrastructure and evaluation.

1. "Title IV-E Prevention Services Clearinghouse," Administration for Children and Families, Accessed Dec. 18, 2020. <https://preventionservices.abtsites.com/>
2. "Programs & Services Planned for Review," Administration for Children and Families, Accessed Dec. 18, 2020. <https://preventionservices.abtsites.com/about/programs-planned-review>
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# SECTION 14



## Restoring Justice for Children

While the adolescent brain struggles with sleep, impulse control, risk seeking and executive planning, it is also highly plastic and tends to develop the capacity to consider the consequences of behavior and choose more appropriate behaviors.<sup>1</sup> It is the undeveloped potential of youth that has led the U.S. Supreme Court to consistently rule that kids involved with the juvenile justice system should be treated differently than adults. During her presidential campaign, Vice President-elect Harris presented a commonsense plan for juvenile justice reform that protected youth potential during incarceration and worked toward a future where poor juvenile decisions were addressed without incarceration whenever possible. By adopting Vice President-elect Harris' plan, this Administration will turn juvenile delinquency into opportunities to invest in the potential of youth.

In the meantime, detaining and confining youth during the COVID-19 pandemic has exacerbated health risks for kids who were already disadvantaged. More than 2,000 young people in juvenile detention facilities had contracted COVID-19 as of mid-November 2020. More than detention, youth need to be released to their communities and provided virtual supports and services as a large number of the youth who enter the juvenile justice system have a history of trauma and most of them suffer more than one mental health disorder. The Office of Juvenile Justice and Delinquency Prevention (OJJDP) is in a position to encourage states to take action to protect the health and potential of youth and we hope to see just that under the Biden-Harris Administration.

## Short Term Executive and Regulatory Actions

- **Appoint a strong leader to the OJJDP helm** who is committed to eliminating juvenile incarceration and providing emotional and mental health supports to youth and their families as a response to delinquent behaviors.
- **Set a national evidence-based standard for the minimum age for juvenile court.** State laws vary, but the vast majority of states allow children under the age of 12 to be prosecuted in juvenile court leaving these young children vulnerable to the collateral negative consequences of justice system involvement.
- **Establish and disseminate best practices for legal representation of youth** in order to ensure that youth are informed when waiving rights or accepting plea deals and to protect against youth being wrongfully transferred to adult systems, adjudicated delinquent or detained.
- **Proclaim October to be National Youth Justice Action Month.**
- **Ensure state compliance with the Juvenile Justice and Delinquency Prevention Act's (JJDP) Racial and Ethnic Disparities core protection** by creating a strategy to enable states to effectuate the updated law.
- **Reinstate Racial and Ethnic Disparities data collection** requirements, trainings, manuals and technical assistance.
- **Explore moving OJJDP to ACF:** Report on the consequences of relocating the OJJDP to the Department of Health and Human Services' Administration for Children and Family (ACF).

## Long Term Executive and Regulatory Actions:

- Enhance collaboration between OJJDP and HHS so that research, supports and prevention efforts for court-involved youth and their families are coordinated.
- Create a youth advisory board in the Department of Justice.
- Create a White House Office on Children that can coordinate efforts across the executive branch, ensure adequate investments that prioritize children and youth, and establish a Youth Advisory Council that would allow the administration to hear directly from young people.
- Equip and fund executive agencies that are tasked to respond to allegations of abuse, mistreatment, discrimination or exclusion based on any protected status. Specifically, ensure that the Civil Rights Division of the Justice Department and the Department of Education are fully funded for these tasks.
- Issue guidance on JJDP's 2018 reauthorization compliance.
- Overturn all guidance issued by the prior administration that harms vulnerable and/or over-represented groups of youth.

## Legislative Action

To improve our juvenile justice system, First Focus Campaign for Children recommends the following legislative action:

### Legislative Priorities for COVID-19 Relief

- **Increase Juvenile Justice and Delinquency Prevention Programming:** Appropriate \$100 million to prevent and mitigate the COVID-19 risks for justice-involved youth. These funds should remain available until September 30, 2021, to prevent, prepare for, and respond to coronavirus, of which \$75 million shall be granted to state and local agencies for juvenile delinquency programming authorized by section 221 of the Juvenile Justice and Delinquency Prevention Act of 1974, and \$25 million for delinquency prevention, as authorized by section 504 of the Act.
- **Incentivize States to Release Youth from Detention Facilities:** Incentivize states and localities to release detained youth by increasing the FMAP by 2% for any state or jurisdiction that enacts widespread policies that release 10% or more of their state prison and youth detention population. Allow states to receive an additional 1% increase in FMAP for working with local jurisdictions to release 15% or more of their local jail population for the duration of the pandemic. These states and local jurisdictions can remain eligible for an increased FMAP if they maintain these decreases after the immediate COVID-19 crisis has passed.

### Short- and Long-Term Legislative Agenda

- **Fully fund the JJDP** by ensuring the full \$176 million authorized for Titles II and V of the Juvenile Justice Delinquency Prevention Act are appropriated.
- **Increase funding for tribal juvenile justice systems.**
- **Ban sentencing juveniles to life without parole.**
- **Limit the transfer of juvenile cases to the adult criminal system** by requiring high-quality psychiatric evaluation of youth prior to their cases being certified to the adult system.
- **Protect kids' Miranda Rights** and reduce the number of false confessions by ensuring youth have legal representation before waiving their Constitutional rights.
- **Disincentivize the use of for-profit facilities**, including detention and correctional centers.
- **Eliminate the solitary confinement of children** and support behavioral health and restorative justice professionals in all facilities serving juveniles.
- **Amend the Prison Litigation Reform Act** to ensure that all incarcerated youth under the age of 21 have access to the courts for protection from abuse.
- **Remove the Valid Court Order exception** to the Deinstitutionalization of Status Offenders provision of the Juvenile Justice and Delinquency Prevention Act and thereby provide incentives for states to release youth with status offenses from detention.
- **Offer restorative justice practices in schools.**

- **Stop using jail and prison construction as a means for rural development.** Presently, the Department of Agriculture is fueling the construction of jails and prisons in rural areas by funding these projects via the Community Facilities Direct Loan and Grant Program.<sup>3</sup>
- **Support and incentivize the closure and repurposing of youth prisons.**
- **Monitor and address disproportionate contact between the police and youth of color** by providing substantial funding and technical assistance to states and local juvenile justice agencies.
- **Protect the rights of system-involved youth** by equipping and funding executive agencies that are tasked to respond to allegations of abuse, mistreatment, discrimination or exclusion based on any protected status. Specifically, ensure that the Civil Rights Division of the Justice Department and the Department of Education are fully funded for these tasks.

1. National Institute of Mental Health, "The Teen Brain: 7 Things to Know," December 2020, <https://www.nimh.nih.gov/health/publications/the-teen-brain-7-things-to-know/index.shtml>; American Academy of Child and Adolescent Psychiatry, "Teen Brain: Behavior, Problem Solving, and Decision Making," September 2016, [https://www.aacap.org/AACAP/Families\\_and\\_Youth/Facts\\_for\\_Families/FFF-Guide/The-Teen-Brain-Behavior-Problem-Solving-and-Decision-Making-095.aspx](https://www.aacap.org/AACAP/Families_and_Youth/Facts_for_Families/FFF-Guide/The-Teen-Brain-Behavior-Problem-Solving-and-Decision-Making-095.aspx)

2. National Institute of Mental Health, "The Teen Brain: 7 Things to Know," December 2020, <https://www.nimh.nih.gov/health/publications/the-teen-brain-7-things-to-know/index.shtml>; American Academy of Child and Adolescent Psychiatry, "Teen Brain: Behavior, Problem Solving, and Decision Making," September 2016, [https://www.aacap.org/AACAP/Families\\_and\\_Youth/Facts\\_for\\_Families/FFF-Guide/The-Teen-Brain-Behavior-Problem-Solving-and-Decision-Making-095.aspx](https://www.aacap.org/AACAP/Families_and_Youth/Facts_for_Families/FFF-Guide/The-Teen-Brain-Behavior-Problem-Solving-and-Decision-Making-095.aspx)

3. Norton, Jack and Jacob Kang-Brown. "Federal Farm Aid for the Big House," Vera, October 22, 2018, <https://www.vera.org/in-our-backyards-stories/federal-farm-aid-for-the-big-house>

# SECTION 15



## Immigrants Are Our Past and Future: Consider the Best Interests of the Child

As President-elect Joe Biden has said:

*Immigration is essential to who we are as a nation, our core values, and our aspirations for our future.*

This statement is particularly true of immigrant children because children are key to the future of this nation. However, despite the fact that more children and families were coming to our borders to seek protection<sup>1</sup> and children of immigrants are an increasing share of our population,<sup>2</sup> our immigration system continues to ignore the best interests of children and endanger their safety, healthy development and future.

With respect to the Trump Administration's policies, Vice President-elect Harris said:

*Let's call this policy of indiscriminately separating children from their parents at the border what it is: a human rights abuse being committed by the U.S. government.*

For our country to live up to our values and ensure our economic prosperity, we must fulfill our promise to all children, regardless of immigration status.

Our immigration policies must start by making the “**best interest of the child**” a primary consideration. Beyond a White House order requiring all federal agencies with jurisdiction over immigration to consider the best interest of the child and undoing the many harmful policies implemented by the Trump Administration, the Biden-Harris Administration should go further than ever before to implement policies that welcome children and families at our border; ensure fair immigration proceedings and access to protection; preserve family unity; and invest in immigrant children and families to holistically promote their well-being.

### Ensure Welcoming Reception of Children at the Border

- **Resume processing for unaccompanied children and asylum-seekers during the COVID-19 pandemic.** Roughly 13,000 unaccompanied children and thousands of children in families have been expelled during the pandemic under a Centers for Disease Control and Prevention (CDC) order, most of them from Northern Triangle countries.<sup>3</sup> These children and families have either been returned to the very danger they fled or turned back to Mexico, where they have no family or support and are left vulnerable to traffickers and cartels.<sup>4</sup> The CDC Director and Department of Homeland Security Secretary should rescind the CDC order issued on May 19, 2020, the September 2020 interim final rule, and all related DHS regulations<sup>5</sup> to continue to process asylum seekers, children, and families at the border.
- **Restore protections for asylum seekers at the border.** Even before the COVID-19 pandemic, thousands of children and families were being subjected to metering or expedited processing at the border without counsel or a fair opportunity to seek protection. Additionally, under the Remain in Mexico policy, at least 16,500 children and infants were forced to wait in encampments in Mexico for their immigration proceedings.<sup>6</sup> As President-elect Biden has stated, these policies created an “ecosystem of violence and exploitation” for those forced to return to Mexico. DHS should rescind or announce the rescission



of policies undermining access to asylum at the border. These include metering; the Migrant Protection Protocols; the Asylum Cooperative Agreements with Guatemala, El Salvador and Honduras and the related 2019 interim final rule; and the Prompt Asylum Claim Review (PACR) and Humanitarian Asylum Review Process (HARP) programs. Asylum officers should return to conducting credible fear screenings at the border.

- **Hire and deploy experts in child welfare to the border.** Though children and families seeking protection have made up the majority of those arriving at our border for many years now, DHS continues to use law enforcement approaches to border policies, including inappropriate border facilities and assessments by untrained agents. President-elect Biden has acknowledged that families and children should be treated with “compassion and sensitivity” when they seek protection at our southern border. In order to achieve this, The administration should detail child welfare professionals to screen children and families at the border. These professionals should be housed within HHS, trained in child-sensitive and trauma-informed interviewing techniques, and assess children for unaccompanied child status or family relationship and risks of trafficking where a child arrives with an adult. DHS should also consult experts in child welfare and child protection when developing its border policies.
- **Provide TVPRA-compliant screenings for unaccompanied children from contiguous countries.** U.S. law permits DHS to screen Mexican and Canadian unaccompanied children for protection needs before transferring them to the custody of the Office of Refugee Resettlement. However, years of data have shown that these children are often inadequately screened and are repeatedly returned to danger.<sup>7</sup> DHS should revise guidance and forms for screening children from contiguous countries at the border. These screenings should be performed by child welfare professionals and should ask child-appropriate and robust questions to properly assess children’s protection needs.
- **Provide basic health care, humanitarian services, and brief orientation during children’s short time in CBP custody.** In 2019, news broke of the unsanitary conditions in Customs and Border Protection (CBP) custody, where children were held for days without adequate food, clothing or hygiene products.<sup>8</sup> As a result of this intentional neglect, six children died after being held in CBP custody.<sup>9</sup> In line with its Transport, Escort, Detention and Search (TEDS) standards, CBP should provide children and families with health assessments and access to basic needs like food, dry clothing, and sanitary products. CBP should also provide basic information about the immigration process. CBP should adhere to the statutory 72-hour limit of custody for unaccompanied children.

## Ensure Children are Free from Detention

- **Preserve Protections in the Flores Settlement Agreement.** Decades of litigation over the horrific conditions in which migrant children were held resulted in the 1997 Flores Settlement agreement, which set standards for the care and custody of migrant children based on child welfare principles. However, the previous administration repeatedly violated the agreement and sought to finalize regulations undermining it.<sup>10</sup> DHS and the Department of Health and Human Services (HHS) should rescind the November 2019 final rule titled “Apprehension, Processing, Care, and Custody of Alien Minors and Unaccompanied Alien Children” and, as promised, replace it with new regulations that are consistent with the Flores Settlement and “ensure their treatment is consistent with their best interest.”
- **End information sharing that prolongs child detention and harms children’s immigration cases.** The Office of Refugee Resettlement (ORR) has custody of unaccompanied children to ensure a focus on child well-being rather than enforcement. However, information sharing between ORR and DHS has resulted in children’s information being used against them in their immigration case<sup>11</sup> or to deport their family members, leading to prolonged detention.<sup>12</sup> ORR should rescind the May 2018 Memorandum of Agreement with the Department of Homeland Security. Instead, ORR should limit DHS’s access to children’s ORR files, particularly information about potential sponsors, significant incident reports, and notes from children’s therapy sessions.
- **Ensure children’s placement in the least restrictive setting in their best interest.** Social science research shows that detention is harmful to children’s mental and physical development.<sup>13</sup> Despite this knowledge, the government continues to hold children in family detention, large institutional settings, and unlicensed “influx” facilities. DHS should end family detention and restore, expand and improve the Family Case Management Program. For unaccompanied children, ORR should expand transitional foster care, long-term foster care and small-shelter facilities placements for children, and end the use of unlicensed “influx” facilities.

## Guarantee Children Fair Immigration Proceedings

- **Restore administrative tools to give children a fair opportunity to make their claim.** In the past four years, the Executive Office of Immigration Review (EOIR) within the Department of Justice (DOJ) has limited immigration judges’ use of docket tools like continuances and administrative closure, which give children the opportunity to find an attorney, be released from detention, or seek protection before U.S. Citizenship and Immigration Services (USCIS). Rather, EOIR has forced judges to fast-track children’s cases, all but guaranteeing their return to danger.<sup>14</sup> EOIR should rescind the Attorney General opinions

*Matter of Castro-Tum, Matter of L-A-B-R-, and Matter of S-O-G and F-D-B-*, and eliminate performance metrics that are based on “efficiency.” EOIR should end “rocket dockets” that fast track unaccompanied children and family cases, and instead issue guidance committing to ensuring fair proceedings through child-friendly accommodations and examination of claims.

- **Protect non-adversarial examination of children’s claims.** By law, unaccompanied children are entitled to pursue their asylum claim in a non-adversarial setting before USCIS. USCIS should rescind the May 31, 2019 Memorandum limiting its initial jurisdiction over unaccompanied children’s asylum cases and clarify that a child designated as unaccompanied retains protections even after they turn 18 or are released from government custody. USCIS should create a specialized corps of asylum officers with training and significant experience in the substantive elements of child-specific protection and child-friendly questioning and procedures.
- **Ensure child-friendly accommodations and support for children in immigration proceedings.** In the past four years, EOIR has implemented policies that deny children due process, including denying them access to support in court and subjecting them to hearings by video.<sup>15</sup> EOIR should restore due process for children by rescinding the 2017 memo “Guidelines for Immigration Cases Involving Juveniles,” the 2019 Friend of the Court memo, and the 2019 Child Advocates memo. These rescissions should be followed by issuing guidance to ensure consideration of the best interest of the child, allowing “friend of the court” assistance and the support of independent child advocates. The government should also create a specialized corps of immigration judges with training and significant experience in child-specific protection and child-friendly interviewing techniques; and end video-teleconference hearings for children unless one is requested by the child’s counsel and it is in the child’s best interest.
- **Expand legal representation and access to child advocates for children.** Most unaccompanied children and families face our complex immigration system without legal representation. Research has shown that access to counsel is key to ensure that children are not returned to danger.<sup>16</sup> ORR should seek additional funds to increase representation for unaccompanied children and to provide independent child advocates for the most vulnerable unaccompanied children. EOIR should seek additional funds to expand its legal orientation programs, including the Legal Orientation Program for Custodians (LOPC). DOJ should also restore and expand the justice AmeriCorps (jAC) program,<sup>17</sup> or establish a similar model to support pro bono legal representation for children and families.

## Ensure Access to Humanitarian Protection

President-elect Biden has promised that “the Biden-Harris Administration will restore America’s historic role in protecting the vulnerable and defending the rights of refugees everywhere.”

The following actions would restore our reputation as a safe haven for thousands of children and families fleeing harm:

- **Remove unlawful barriers to asylum.** Over the past four years, the Trump Administration has implemented policies that would block access to asylum for thousands of children and families.<sup>18</sup> Federal courts have found many of these policies to be illegal. DHS and DOJ should rescind all regulations and policies that impose unlawful barriers to accessing asylum, including the third-country transit ban; the asylum ban for irregular entry; the final rule “Procedures for Asylum and Bars to Asylum Eligibility” which imposes new criminal bars for asylum; and the proposed rule “Security Bars and Processing,” which uses public health as a pretext to deny protection to nearly all asylum seekers. DOJ also should settle all pending litigation on these regulations and policies.
- **Restore access to protection based on family ties, domestic violence and gang violence.** As promised, the Biden Administration’s DHS and DOJ should rescind final rule “Procedures for Asylum and Withholding of Removal; Credible Fear and Reasonable Fear Review,” which targets asylum claims often brought by Central American children and families seeking asylum, such as those based on domestic violence, gang violence and gender-based violence. The Attorney General should rescind the Attorney General opinions *Matter of L-E-A-* and *Matter of A-B-* and replace them with decisions affirming asylum claims based on family ties and persecution by non-state actors, including claims based on domestic violence and gang violence. USCIS should reinstate and enhance the 1998 Guidance for Child Asylum Claims<sup>19</sup> and 2009 Asylum Officer lesson plan<sup>20</sup> to ensure fair and child-appropriate consideration of any claims related to gang violence, domestic violence, recruitment and trafficking by cartels.
- **Ensure access to Special Immigrant Juvenile Status for child survivors of abuse, neglect or abandonment.** USCIS should ensure the Special Immigrant Juvenile Status (SIJS) claims are processed within 180 days, as required by the Trafficking Victims Protection Reauthorization Act (TVPRA). DHS should grant deferred action and work authorization to youth with approved SIJS petitions until their permanent resident applications are adjudicated.

- **Expand refugee resettlement and regional processing for children.** As promised, the Biden-Harris Administration should seek to resettle 125,000 refugees in the next fiscal year. The administration should expand the Unaccompanied Refugee Minors program to resettle more unaccompanied refugee children outside the Western Hemisphere. The administration should also restore and expand the Central American Minors Program,<sup>21</sup> making it available to the children of parents or any family member residing in the United States regardless of immigration status and to children who would be resettled in the United States as unaccompanied refugee minors.

## Prioritize Family Unity When in a Child's Best Interest

- **End family separation at the border.** Vice President-elect Harris appropriately called the Trump Administration's family separation policy "a human rights abuse being committed by the United States government," inflicting trauma on children and ripping apart family bonds that will take years to repair.<sup>22</sup> To uphold the basic principle that both the President- and Vice President-elect have often declared—"families belong together"—DHS should end the separation of families at the border. DHS must also create mechanisms to track family relationships, challenge and review rarely-occurring separations, and expedite reunification where separation is found to be unwarranted.
- **Provide redress for past separations.** As promised, the Biden White House should direct the relevant agencies to provide support and resources to nonprofit organizations already working to expeditiously reunify all families that are still separated. Families should be provided an opportunity to reunite here in the United States and a path to legal protection. The administration should seek funds to provide comprehensive, trauma-informed and culturally sensitive mental health services to families and children who experienced family separation.
- **Prioritize family unity in enforcement actions.** Many families have also been separated by interior enforcement actions that fail to consider the impact on children.<sup>23</sup> As a result, thousands of immigrant children have been subjected to toxic stress and harm to their healthy development.<sup>24</sup> DHS should end large-scale worksite immigration enforcement actions. DHS should revise the 2017 memo titled "Detention and Removal of Alien Parents or Legal Guardians" to restore and strengthen protections in the 2013 parental rights memo, such as prioritizing the release of a parent, legal guardian, or caregiver of a child and preserving parental rights where it is in the child's best interest. DHS should also rescind its notice expanding expedited removal, which would lead to increased family separation.
- **Grant family unity to all families.** As promised, the administration should rescind all policies that discriminate against certain families, including the Muslim and African bans. The State Department should also rescind the Foreign Affairs Manual guidance directing automatic denial of citizenship for children born abroad to same-sex partners.

## Ensure Access to Benefits for Children's Healthy Development

- **Rescind policies that create barriers to benefits for which children are eligible.** Despite its limited application, the Trump Administration's public charge rule had an undeniable chilling effect on families' use of benefit programs, even when they were eligible.<sup>25</sup> President-elect Biden has stated that the public charge rule "undermines America's character as a land of opportunity that is open and welcoming to all, not just the wealthy." As promised, the administration should rescind the 2019 DHS and Department of State public charge rules; changes to the Department of State Foreign Affairs Manual on the public charge determination; and the proposed rule titled "Affidavit of Support for Immigrants." The Department of Housing and Urban Development (HUD) should withdraw the 2019 proposed rule denying federal housing benefits to mixed-status families.<sup>26</sup>
- **Expand sensitive location policies that protect families seeking services from enforcement.** Beyond the public charge rule, the Trump Administration also increased immigration enforcement actions at and near locations where children and families access education, health care, nutrition and other programs important to children's health and development. As a result, families avoided these programs, and children paid the price.<sup>27</sup> DHS should expand its current sensitive locations policy (2011 ICE guidance and 2013 CBP guidance) to include locations where children and families access basic services and areas near the listed locations. DHS should issue guidance across federal and local agencies on the related changes. DHS should also rescind the proposed rule titled "Use of Biometrics for Immigrants," which would collect unnecessary information from immigrant families and would lead to widespread surveillance of communities.<sup>28</sup>
- **Increase outreach to committees to restore trust and increase enrollment in services.** Trump Administration rhetoric and policies broke trust with immigrant communities. It will take intentional and culturally appropriate outreach to restore this trust and make families comfortable accessing programs that will benefit their children. HHS, the U.S. Department of Agriculture (USDA), HUD and other agencies should encourage states, in partnership with nonprofit organizations, to do outreach to communities about immigrant eligibility for benefits and to assist families seeking to enroll or re-enroll in benefit programs, particularly after the rescission of the public charge rule and related guidance. The Department of Education and Department

of Justice should reissue 2014 guidance to local education agencies regarding education access for all children, as well as guidance on privacy protections for undocumented students.

## Grant Affirmative Relief to Children and Families Who Call the United States Home

More than a half-million U.S. citizen children have a parent who is a recipient of protection under the Deferred Action for Childhood Arrivals (DACA) program or Temporary Protective Status (TPS).<sup>29</sup> Additionally, the Migration Policy Institute estimates that more than a million people, including children and young people, are immediately eligible for DACA.<sup>30</sup> However, the Trump Administration threatened these children and young people with family separation or removal to an unknown country by ending TPS for six countries<sup>31</sup> and ending the DACA program, despite a Supreme Court order to resume the program. Children and families who call the United States home should have relief through administrative action as a bridge to permanent solutions through legislation.

- **Restore and expand DACA.** As promised, on Day One President-elect Biden should restore the DACA program. DACA should also be expanded to remove the minimum age requirement and allow children younger than 15 years of age to apply.<sup>32</sup>
- **Restore and Expand TPS.** The President-elect should grant Deferred Enforced Departure (DED) to individuals as a bridge to restoring Temporary Protective Status (TPS) to individuals from El Salvador, Haiti, Honduras, Nepal, Nicaragua, Sudan, Somalia, South Sudan, Syria and Yemen. TPS should also be granted to individuals from the following countries:
  1. Venezuela, based on the current political crisis
  2. Cameroon, based on the ongoing conflict
  3. Guatemala and Honduras, based on the impact of COVID-19 and Hurricanes Eta and Iota

## Legislative Action

### Ensure a Welcoming Reception for Children at the Border

Children and families seeking protection at our border must be welcomed with humane and orderly processing. To do so, the government must incorporate experts in child welfare and development in both their workforce and consultation processes, as outlined in the Child Trafficking Victims Protection and Welfare Act. Additionally, the Biden Administration should support bills like the Humanitarian Standards for Individuals in Customs and Border Protection Custody Act, which outlines standards of care for the short-term custody of children and families with U.S. Customs and Border Protection (CBP). These standards must include a safe and sanitary environment, access to basic hygienic products, access to legal services, and access to food and climate-appropriate clothing.

### Ensure Children are Free from Detention and Placed in Small, Community-based Settings

Children and families should be able to navigate their immigration case with their families and in community. The United States must do away with immigration detention and instead use models of family and community-based care for children and families, thus protecting children from trauma and the negative developmental impacts of detention. The Reunite Every Unaccompanied Newborn Infant Toddler and Other Children Exeditiously (REUNITE) Act of 2019, sponsored by Rep. Adriano Espaillat (D-NY) and Sen. Harris, calls for DHS to use case management services and restore the Family Case Management Program, which met families' needs and had a 99% compliance rate for court appearances.<sup>33</sup> The End Cruelty to Migrant Children Act introduced by Rep. Grace Meng (D-NY) and Sen. Jeff Merkley (D-OR), limits the size of facilities where unaccompanied children may be placed and the use of influx facilities. All legislation must preserve and build upon the protections granted to children in the 1997 Flores Settlement Agreement, which are based on long-established child welfare principles of family unity and appropriate care of children.

### Guarantee Children Fair Immigration Court Proceedings

When the consequences are life and death, every child should be given a fair chance and all the support they need to receive protection. Children who face immigration proceedings must have their voices heard and their status as children taken into account. In order to pursue this standard, we must ensure that all children in immigration proceedings, both accompanied and unaccompanied, have legal representation; that all vulnerable unaccompanied children have an independent child advocate to promote their best interests; and that immigration proceedings are as child-friendly and non-adversarial as possible. The Fair Day in Court for Kids Act ensures that children and families seeking protection have legal counsel at government expense and that DOJ develops guidelines for representing children in immigration proceedings.

## Ensure Access to Legal Protections for Children

Children who have faced persecution and violence must be able to seek safe haven in the United States and have certainty that they will not be returned to harm. The United States must restore access to asylum and other legal protections that are particular to children, such as Special Immigrant Juvenile Status. The Refugee Protection Act of 2019, sponsored by Rep. Zoe Lofgren (D-CA) and Sen. Patrick Leahy (D-VT), lays out a comprehensive blueprint to revitalize asylum and refugee resettlement, including extending protections in the Trafficking Victims Protection Reauthorization Act (TVPRA) to all child applicants and providing family reunification for child refugees and asylees.

## Prioritize Family Unity When in the Best Interests of the Child

The United States must make family unity a priority in both immigration policies and individual decisions made about children and their caregivers who are in removal proceedings. Several bills have been introduced in both the House and the Senate to address these concerns, including the Keep Families Together Act. These bills should be strengthened to ensure that children are not separated from parents or caregivers unless there is an imminent risk of harm, and that those who determine whether risk exists have training in child welfare. The bill must also provide a clear and robust process for families to challenge separation and seek reunification.

Legislation should also preserve family unity for children whose families have already settled in the United States. All decisions made about the detention, release, and transfer of a child's parents or caregivers must consider the best interest of the child, particularly the preservation of family unity. The administration should support the Dignity for Detained Immigrants Act, the HELP for Separated Children Act, and the Help Separated Families Act, which require consideration of the best interests of the child in all detention, release, and transfer decisions regarding children's parents or caregivers. The Reuniting Families Act also ensures family unity by reforming the family-based immigration system.

## Prioritize Child Well-being and Healthy Development Over Harmful Immigration Enforcement

Children and families should be able to access the services they need to support their health and development without mistreatment or fear. The administration should support the Protecting Sensitive Locations Act, which ensures children and families can access hospitals, schools, places of worship, and many other community services without fear. Additionally, our law should ensure that all those caring for unaccompanied children focus solely on their well-being. By passing the Families Not Facilities Act and the Immigrant Mental Health Act, services for children would be fire-walled to allow children to trust the adults caring for them and to ensure that information is not used against them in their immigration case.

## Ensure Access to Benefits that Protect Children's Healthy Development and Well-Being

Children should have the support they need to thrive—regardless of their immigration status—during the pandemic and beyond. Congress should provide both short-term COVID-19 relief through the HEROES Act and long-term structural changes that benefit immigrant children's healthy development. This means expanding access to health care, housing, nutrition and economic supports regardless of immigration status.

## Provide a Path to Citizenship for Children and Their Families

Legislation should provide a pathway to citizenship for immigrant youth including DACA recipients and recipients of Temporary Protective Status and Deferred Enforced Departure. The American Dream and Promise Act provides a path to citizenship for all of these populations. As President-elect Biden has promised, legislation should extend these paths to citizenship to all undocumented children, families and individuals to preserve family unity and ensure that those who call this country their home can continue to contribute to their communities and more fully participate in our democracy and economy.

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# SECTION 16



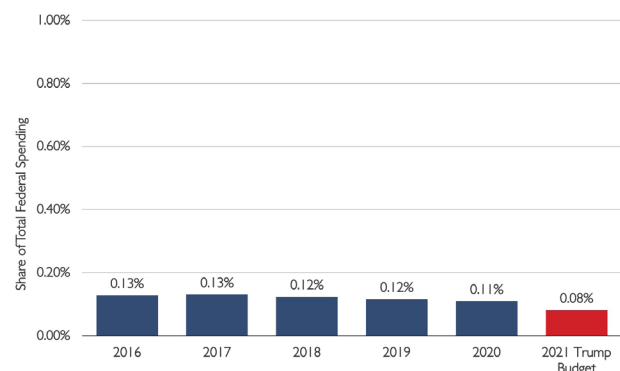
## Restoring International Leadership Begins with Children

Our international assistance investments and policies can impact the most vulnerable populations both inside and outside our borders. The United States spends only 0.11% of its entire federal budget on programs that benefit children and youth abroad. Despite its limited amount, the investment has delivered substantial progress improving the lives of millions of children and safeguarding their well-being. That said, the COVID-19 pandemic and its economic fallout threatens all of the progress made in poverty reduction, health outcomes, education and safety for children.

The Biden-Harris Administration can “Build Back Better” for all of our world’s children. As Vice President-elect Harris stated regarding children separated from their families at the border, “This is about saying we are a community of people and that the children of any one of us is the children of all of us. These are our children.”<sup>1</sup> It is a good reminder—these are our children and they deserve the opportunity to reach their full potential, whether at home or abroad. To accomplish this goal:

- Establish White House Office on Children and Youth that would include coordinating and addressing global children and youth issues.<sup>2</sup>
- Reinvigorate relationships and partnerships with international and multi-lateral organizations, including UNICEF and the World Health Organization.
- Align U.S. development policy objectives related to children and youth and the assessment of impact with the Sustainable Development Goals (SDGs).<sup>3</sup> In particular, examine SDGs and the 35 indicators directly related to children.<sup>4</sup>
- Fulfill campaign commitment to uplift the rights of women and girls around the world by focusing on measures to address gender-based violence.<sup>5</sup>
- Maintain and/or increase existing investments in children and youth around the world while scaling up effective interventions to respond to the COVID-19 emergency and to rebuild.
  - Protect funding for orphans and vulnerable children (OVC) during the reauthorization process of the President’s Emergency Plan for AIDS Relief (PEPFAR) in 2023 and ensure the Administration spends the full 10% on mitigating the impact of HIV on OVC.<sup>6</sup>

### Federal Spending on Children Internationally Remains Very Low



- Improve mechanisms to track funding and program outcomes. The U.S. government's response to global children and youth is fragmented and involves many federal entities; funding is spread among 26 to 30 offices. Roughly \$9.54 of every \$100 spent on foreign assistance benefits children and youth specifically.<sup>7</sup>
- Support implementation of the Global Child Thrive Act of 2020 (H.R. 4864/S. 2715) and Subtitle I of the National Defense Authorization Act for FY 2021.<sup>8</sup> The Global Child Thrive Act strengthens implementation of policies that advance early childhood development and builds on the evidence and priorities outlined in 'Advancing Protection and Care for Children in Adversity: A U.S. Government Strategy for International Assistance 2019–2023'.<sup>9</sup>
- Expedite the appointment of a new Special Advisor on Children in Adversity at USAID. This position is critical to managing the U.S. government's response to a rapidly growing COVID-19 emergency that is compromising the health and well-being of an entire generation of children.<sup>10</sup>

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# CONCLUSION



## Racial Justice and Race Equity Begins at Birth

*When I'm on the campaign trail and a little girl comes up to me, I see myself. I see the children from my family. I see the children of our country. And I see our nation's potential.*

– Kamala Harris

All children deserve the chance to reach their full potential, and we all benefit when they do. Half of our nation's children are now children of color. Equity, fairness, and diversity are our strengths, but only if we embrace those values.

Unfortunately, America's longstanding systemic and institutional racism results in an ongoing inequality gap for children of color that affects every aspect of their lives. Black, Hispanic, and Native American households with children suffer disproportionate levels of hardship from their time in the womb into adulthood, negatively affecting outcomes related to maternal and infant mortality, education, housing, child welfare, employment, income/wealth, immigration, the environment, and access to high-quality health care and child care.

Recent events have only served to expose and exacerbate the existing racial and ethnic disparities in our society. The outbreak of COVID-19 is causing higher levels of infection, disease burden, mortality rates, and economic hardship for children and households of color. When children experience or witness incidents of police killings and brutality it reinforces trauma that is too often part of their childhood.

Children deserve our best efforts, and we must do everything to combat systemic racism in our society and ensure that current crises do not threaten children's healthy development and long-term outcomes. The stakes and challenges are enormous for our children and, as the length of this document shows, the agenda must be ambitious and comprehensive.

As President-elect Biden wrote after Charlottesville:

*If it wasn't clear before, it's clear now: We are living through a battle for the soul of this nation...The greatness of America is that—not always at first, and sometimes at enormous pain and cost—we have always met Lincoln's challenge to embrace the "better angles of our nature." Our history is proof of what [Martin Luther] King said—the long arc of history does "bend toward justice."*

The President-elect added:

*We have to uphold America's values...We have to defend our Constitution. We have to remember our kids are watching. We have to show the world America is still a beacon of light.*

All children can thrive when given the opportunity and the support they need. We must work together to give every child, regardless of race, ethnicity or immigration status, an equal chance at success.



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